

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

CASE NO. 22-11285-BB

CIERRA GETER,

Plaintiff-Appellant,

v.

SCHNEIDER NATIONAL CARRIERS, INC.,

Defendant-Appellee.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
HONORABLE STEVE C. JONES
CASE NO. 1:20-cv-01148-SCJ

APPELLANT’S APPENDIX – VOL. III

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CIERRA GETER v. SCHNEIDER NATIONAL CARRIERS, INC.

Eleventh Circuit Court of Appeals Case No. 22-11285-BB

Index of Exhibits

USDC Docket- Tab No.	Volume	Date	Description
Index	I		
A	I		US District Court Docket Sheet
1	I	03/12/2020	Complaint
12	I	06/08/2020	Answer
46	I	06/07/2021	Defendant's Motion for Summary Judgment
46-1	I	06/07/2021	Defendant's Summary Judgment Brief
46-2	I	06/07/2021	Defendant's Statement of Material Facts
46-3	I	06/07/2021	Declaration of Travis Torrence
46-4	I	06/07/2021	Deposition Excerpts and Exhibits 2, 4, 5, 6, 7, 11, 13, 14, 15, 16, 17, 19, 20, 22, 23, 24 of Cierra Geter
46-5	I	06/07/2021	Deposition Excerpts of Marianne Biskey-Rose
46-6	I	06/07/2021	Deposition Excerpts of Travis Torrence
46-7	II	06/07/2021	Deposition Excerpts of Tiffany Kitchens
46-8	II	06/07/2021	Deposition Excerpts of Sarah Kopf
46-9	II	06/07/2021	Declaration of Christine Schneider
46-10	II	06/07/2022	Deposition Excerpts of Ashley Marie Janssen
47	II	06/07/2021	Notice of Filing Deposition Transcripts
47-1	II	06/07/2021	Deposition Transcript of Cierra Geter: Part 1 (Pages 1-174)
47-1	III	06/07/2021	Deposition Transcript of Cierra Geter Part 2 (Pages 175-237)
47-2	III	06/07/2021	Deposition Transcript of Travis Torrence
47-3	III	06/07/2021	Deposition Transcript of Ashley Marie Janssen
47-4	III	06/07/2021	Deposition Transcript of Sarah Kopf

47-5	IV	06/07/2021	Deposition Transcript of Tiffany Kitchens
47-6	IV	06/07/2021	Deposition Transcript of Marianne Biskey-Rose
47-7	IV	06/07/2021	Declaration of Christine Schneider
47-8	IV	06/07/2021	Declaration of Travis Torrence
50	IV	07/12/2021	Plaintiff's Opposition to Defendant's Motion for Summary Judgment
50-1	IV	07/12/2021	Plaintiff's Response and Objections to Defendant's Statement of Material Facts
50-2	IV	07/12/2021	Plaintiff's Statement of Material Facts
50-3	IV	07/12/2021	Declaration of Cierra Geter
50-4	IV	07/12/2021	Declaration of Audreianna Williams
50-5	V	07/12/2021	Deposition Excerpts of Marianne Biskey-Rose
50-6	V	07/12/2021	Biskey-Rose Deposition Exhibit 48
50-7	V	07/12/2021	Deposition Excerpts of Cierra Geter
50-8	V	07/12/2021	Cierra Geter Deposition Exhibit 9
50-9	V	07/12/2021	Deposition Excerpts of Ashley Marie Janssen
50-10	V	07/12/2021	Ashley Marie Janssen Deposition Exhibit 4
50-11	V	07/12/2021	Ashley Marie Janssen Deposition Exhibit 16
50-12	V	07/12/2021	Ashley Marie Janssen Deposition Exhibit 31
50-13	V	07/12/2021	Ashley Marie Janssen Deposition Exhibit 32
50-14	V	07/12/2021	Ashley Marie Janssen Deposition Exhibit 34
50-15	V	07/12/2021	Deposition Excerpts of Tiffany Kitchens
50-16	V	07/12/2021	Deposition Excerpts of Sarah Kopf
50-17	VI	07/12/2021	Deposition Excerpts of Travis Torrence
50-18	VI	07/12/2021	Travis Torrence Deposition Exhibit 4
50-19	VI	07/12/2021	Travis Torrence Deposition Exhibit 30
50-20	VI	07/12/2021	Travis Torrence Deposition Exhibit 31
50-21	VI	07/12/2021	Travis Torrence Deposition Exhibit 32
50-22	VI	07/12/2021	Travis Torrence Deposition Exhibit 46

51	VI	08/02/2021	Defendant's Reply in Support of its Motion for Summary Judgment
52	VI	08/02/2021	Defendant's Response to Plaintiff's Statement of Material Facts
53	VII	12/10/2021	Final Report and Recommendation
57	VII	01/10/2022	Plaintiff's Objections to Report and Recommendation
60	VII	02/07/2022	Defendant's Response to Plaintiff's Objections to Report and Recommendation
61	VII	03/21/2022	Order Adopting Report and Recommendation
B			Certificate of Service

1 Q. Where you received -- did you receive
2 money --

3 A. Yes, yes.

4 Q. -- for your long-term disability
5 benefits?

6 A. Yes.

7 Q. And how much?

8 A. Sixty-six percent of my salary.

9 Q. And you started receiving those benefits
10 end of April, beginning of May 2019?

11 A. Yes, sir.

12 Q. And do you recall what your salary was
13 at the time that you started receiving those
14 benefits?

15 A. \$51,780.

16 Q. And are you currently receiving
17 long-term disability benefits?

18 A. No, sir.

19 Q. Okay. When did you stop receiving
20 long-term disability benefits?

21 A. I believe fall of 2019 -- no, April of
22 2020 actually. April 2020.

23 Q. So you received long-term disability
24 benefits for approximately one year?

25 A. One year for mental health according to

1 Hartford's policies.

2 Q. And you received those benefits for
3 approximately one year at 66 percent of your
4 salary?

5 A. Yes, sir.

6 Q. If you could go to -- I believe it's the
7 next document in the stack. It should be
8 Schneider 301.

9 A. Yes.

10 Q. We'll mark this is Plaintiff's
11 Deposition Exhibit number 22. Do you recognize
12 this document?

13 (Plaintiff's Exhibit 22 was
14 marked and identified.)

15 A. Yes, sir. It's the termination letter.

16 Q. Okay. And did you receive this letter
17 on or about April 12, 2019?

18 A. I received it April 12th, 11:15 p.m. by
19 Travis Torrence in the on-on-one room.

20 Q. Okay. And if you look at that first
21 paragraph, it states were out on a continuous
22 leave of absence due to medical reasons from
23 October 9, 2018 through January 1, 2019 at which
24 time you exhausted your 12 weeks of FMLA; do you
25 agree with that?

1 A. Yes, sir.

2 Q. It goes on to state that Schneider was
3 able to accommodate you returning to work on a
4 partial schedule starting on January 2, 2019; is
5 that correct?

6 A. Yes, sir.

7 Q. And that Schneider had been
8 accommodating you working three out of your
9 scheduled four days since January 2, 2019; is
10 that correct?

11 A. Correct.

12 Q. And then you see there's three bullets
13 there?

14 A. Yes, sir.

15 Q. Did you agree with the timeline and the
16 accommodations that were granted?

17 A. Yes, sir.

18 Q. And then it states on April 1, 2019 we
19 received updated information from your physician
20 that indicates you may be able to return to full
21 time on June 5, 2019 with three days in the
22 office and the other day working from home; do
23 you see that?

24 A. Yes, sir.

25 Q. And then Schneider goes on to state,

1 based on this information, carefully considering
2 your request for us to continue to accommodate
3 you, we are unable to continue accommodating a
4 partial schedule, right?

5 A. Yes, sir.

6 Q. And they denied your request for
7 additional accommodations, right?

8 A. Yes, sir.

9 Q. Okay. And you indicated that you --
10 that Travis provided you with a copy of this
11 letter on April 12, 2019 at 11:15 p.m.?

12 A. Yes, sir.

13 Q. Okay. And you said it was in the
14 one-on-one room?

15 A. Yes, sir.

16 Q. And that was in your office -- or at the
17 office facility?

18 A. Yes, sir.

19 Q. Okay. And who was present for that
20 meeting?

21 A. It was me and Travis in the one-on-one
22 room. Sarah Kopf was outside in the office area
23 with a driver. Wendy was in there. The driver's
24 name is Wendy.

25 Q. Well, who was in the room when you were

1 speaking with Travis? Was it you and Travis?

2 A. Just me and Travis.

3 Q. Okay. And as best you can recall, what
4 was said during that meeting and by whom?

5 A. He asked me how I was doing, and then I
6 was like, oh -- like we always joke. Everybody
7 had a little joke when we go into the one-on-one
8 room, like what happened now? Like that's what
9 we always do. And so I was like, uh-oh, what's
10 wrong? He was like, oh, nothing, but I need to
11 talk to you, and he had more of a serious look on
12 his face, and then he handed me this paper. I
13 read it and he was like so we can no longer
14 accommodate you, so we need you to turn in your
15 laptop and everything tonight.

16 Q. Did you say anything?

17 A. Yeah, I said something. I said how dare
18 you do this to me when you know what predicament
19 I'm going through and then how much I have helped
20 out the team. And I said it's some bull crap. I
21 had to call my mom because she had to calm me
22 down, because I was about to go into a manic
23 rage.

24 Q. Did Travis say anything in response?

25 A. He said it was out of his hands and out

1 of his control, he tried his best. And I said,
2 no, you didn't. You didn't try your best because
3 you would've come to me and had another step to
4 help me.

5 Q. Anything else that you can recall in the
6 conversation you had with Travis on that day?

7 A. I remember I left my termination letter.
8 I had to come back and get it and he put my
9 termination on a sticky note in a folder on a
10 piece of tape outside the door and locked the
11 door so I wouldn't come back into the front --
12 onto the -- into the office, so I had to pick up
13 the paperwork on the porch.

14 Q. Anything else that you can recall?

15 A. I was very upset. I even had to call my
16 psychiatrist that night at 12 o'clock at night.

17 Q. Why do you believe Schneider denied your
18 accommodation requests as of April 12, 2019?

19 A. I don't think they wanted to deal with
20 me.

21 Q. I'm sorry?

22 A. I didn't think they wanted to deal with
23 me any longer.

24 Q. Why not?

25 A. Because right after I was terminated,

1 they moved somebody from first shift to third
2 shift and hired two more people. I thought they
3 just didn't want to deal with me no more, to be
4 quite honest.

5 Q. What do you mean when you say they
6 didn't want to deal with you any longer?

7 A. Deal with my circumstance.

8 Q. And what do you mean when you say your
9 circumstance?

10 A. Deal with my mental health situation and
11 my health concerns -- [inaudible] -- me as an
12 employee, a human being.

13 Q. Do you know who made the decision to
14 deny your continued accommodation requests?

15 A. Travis told me that night it was out of
16 his control, so I just thought it was just upper
17 management, which is Marianne and I thought it
18 was HR, that's the only way I can think of it at
19 that time. But specifically, no, sir.

20 Q. We can go to the next exhibit. It's
21 Schneider 24 through 26.

22 A. Yes, sir.

23 Q. During the time period of February 14,
24 2019 through April 12, 2019, do you -- do you
25 know who was performing the job duties that you

1 would typically perform on that fourth day that
2 you would normally work?

3 A. It was probably between, like I stated
4 earlier, Travis, Audrianne, Desmond. One of them
5 three. And since Audrianne was already out on
6 leave, it was between Desmond and Travis at that
7 time.

8 Q. And that would have been in addition to
9 their normal work schedule; is that right? As
10 far as you know?

11 A. Not -- not -- I know Desmond
12 specifically that's -- they -- that's his
13 schedule. Like they moved it around so everybody
14 can accommodate because Audrianne was out and
15 with my predicament as well, so they shift the
16 schedules around. There's only three people on
17 third shift other than the two temps, so you only
18 was working with three technically if Travis
19 didn't show up. So if he was working second
20 shift, he wouldn't do third shift sometimes, or
21 sometimes he'll pull a double shift. If he
22 couldn't cover the third, then we by ourselves.

23 Q. Okay. If Travis or Desmond had to work
24 on that Sunday that you would normally work, that
25 would be in addition to the work that they would

1 normally perform on that day; is that correct?

2 A. I don't understand that question. I'm
3 sorry.

4 Q. Sure. If Desmond was scheduled to work
5 on Sunday and you because of your modified
6 schedule we're not working on that Sunday, then
7 Desmond would do his work and the work that was
8 normally assigned to you; is that right?

9 A. Correct. Yes.

10 Q. And same thing with Travis. If he was
11 either off on that Sunday or already scheduled on
12 that Sunday and he was doing the work that you
13 normally would do on Sundays, he was doing twice
14 as much work as he normally would do, correct?

15 A. Correct. And vice versa if they were
16 out on the days I had to work on Wednesday,
17 Thursday and Friday.

18 Q. Let's go to Exhibit 23, and this is a
19 fax that's dated April 27, 2019. It looks like
20 it was sent from Dr. Wanzo to Schneider's HR
21 leave administration team; is that correct?

22 (Plaintiff's Exhibit 23 was
23 marked and identified.)

24 A. Yeah, they had sent this over to her
25 after my termination to get more information from

1 her and I took the -- I think they -- no, they
2 faxed this over to her, I believe, or they sent
3 her a packet.

4 Q. If you can go to Exhibit 20. Do you
5 have that in front of you?

6 A. No. I'm sorry. What page is that?

7 Q. Exhibit 20 is Schneider 315.

8 A. Thank you. I did not know I was
9 supposed to be writing on --

10 Q. You're not. You're not.

11 A. Okay.

12 Q. You're not.

13 A. Okay. That's the one -- 305. I think I
14 just saw it.

15 Q. It's just 315. It's a letter from
16 Schneider dated April 2, 2019.

17 A. I'm sorry. I really just saw it and
18 then my fingers just -- here it is. I know.
19 That's what I'm mad at because I flipped the
20 whole packet.

21 Okay. And you said three what again?

22 MS. LEGARE: Three hundred and fifteen.

23 THE WITNESS: Yes, I got it.

24 BY MR. MILIANTI:

25 Q. Okay.

1 A. Yes.

2 Q. All right. Okay. And if you look near
3 the end of that letter, just before the bold it
4 says, please state the below physician statement
5 to your doctor to complete the additional
6 questions that are needed for your accommodation
7 extension requests.

8 A. Right.

9 Q. Please provide me with the requested
10 information from you and your health care
11 provider by no later than April 8, 2019, right?

12 A. Okay. Yes, sir.

13 Q. Okay. And then if you go to Exhibit 22
14 -- I'm sorry -- 23, the document we were just
15 looking at.

16 A. Yes, sir.

17 Q. Is this the physician statement that was
18 attached to Schneider's April 2, 2019 letter?

19 A. April 2nd? It should have been -- give
20 me one second.

21 Q. Sure.

22 A. I guess this was documents -- because
23 remember I didn't get it on the 2nd, so it came
24 like -- any time Schneider sent me anything --
25 I'm going to let you know this now -- it takes

1 four days to get to my house. So on the 2nd, but
2 possibly this was it. I thought it was, like, a
3 regular return-to-work form that we were looking
4 at earlier. That's what I was expecting, so my
5 apologies on that.

6 Q. All right. And Exhibit 23, do you
7 recall providing this Schneider document with
8 questions for your physician to Dr. Wanzo?

9 A. I believe I dropped it off to her.

10 Q. Okay. Did you go over these questions
11 with Dr. Wanzo?

12 A. I don't recall at this time.

13 Q. Did she discuss her responses with you;
14 do you recall?

15 A. I'm not familiar with this right now, to
16 be honest.

17 Q. Okay. All right. It states at the top,
18 "Dear Physician, on 4/1/2019, you provided a
19 return-to-work form that indicated that Cierra
20 Geter needs to remain working a partial schedule
21 of three days per week through June 5, 2019. We
22 have been accommodating Cierra working three days
23 per week since January 2, 2019." Did I read that
24 correctly?

25 A. Yes, sir.

1 Q. And you agree with those statements?

2 A. Yes, sir.

3 Q. Okay. And then this document goes on to
4 ask your physician specific questions relating to
5 your condition and accommodation requests, right?

6 A. Yes, sir.

7 Q. And if you turn the page, this was
8 signed by Dr. Wanzo on April 27, 2019?

9 A. Yes, sir.

10 Q. Is that what it looks like to you?

11 A. Yes, sir.

12 Q. All right. And then question two says,
13 provide a statement of any specific duties that
14 Cierra is unable to perform because of a medical
15 condition. Provide information as to why she
16 cannot return to work full time. And Dr. Wanzo
17 states, she is unable to work well in a
18 fast-paced, high pressure environment. Did I
19 read that correctly?

20 A. Yes, sir.

21 Q. And do you agree with that statement?

22 A. Yes, sir.

23 Q. Did you discuss that with Dr. Wanzo that
24 you had difficulty working in a fast-paced, high
25 pressure environment?

1 A. Yes, sir.

2 Q. And you had difficulty working in a
3 fast-paced, high pressure environment since the
4 time you returned on January 2, 2019, right?

5 A. Yes, sir.

6 Q. And you had difficulty working in a
7 fast-paced, high pressure environment prior to
8 January 2, 2019, correct?

9 A. Correct.

10 Q. Okay. And your difficulty in working in
11 a fast-paced, high pressure environment -- when
12 did that start? When did you start having
13 difficulty working in a fast-paced, high pressure
14 environment; do you recall?

15 A. How far back we can go? When Greg
16 Cochran was my manager.

17 Q. And what time period would that have
18 been?

19 A. 2014 through the time he was -- 2014
20 through -- yeah, 2014 until February of 2016.

21 Q. If you turn to the next page --

22 A. Uh-huh. (Affirmative). Yes, sir.

23 Q. I'm sorry. If you can go to number
24 three -- question number three, it says that
25 you're currently working Wednesday, Thursday and

1 Friday. Is there a different day that she is
2 available to work if she can work four days? Can
3 she work Monday through Friday, eight-hour
4 schedule? And Dr. Wanzo states, she's unable to
5 work a Monday through Friday schedule; do you see
6 that?

7 A. Yes, sir.

8 Q. Did you ever discuss working a Monday
9 through Friday schedule for eight hours with
10 Dr. Wanzo?

11 A. She asked how come we did not have that
12 type of schedule. And I stated to her we was on
13 four tens. We switched to four tens in 2018 as a
14 team, and then some people requested to go back
15 to five days because of some people personal
16 schedules they had conflicts with. So some
17 people kept a four ten schedule and some people
18 went to a five-day schedule.

19 Q. Do you believe you could have worked a
20 five-day, eight-hour schedule?

21 A. I could have did a four-hour -- a
22 four-day, ten-hour day, not five.

23 Q. If you turn the next page question five,
24 what is the total length of time the patient will
25 need to work three days per week from this point

1 forward in your best professional estimate; do
2 you see that?

3 A. Yes, sir.

4 Q. And Dr. Wanzo wrote two to three months;
5 is that right?

6 A. Yes, sir. I see that.

7 Q. Did you -- did you discuss that with
8 Dr. Wanzo?

9 A. No, sir, I did not.

10 Q. Did you agree with her assessment?

11 A. For two to three months the length of
12 time total from the beginning of my time period
13 out?

14 Q. I believe it would be -- from this point
15 forward would be from the date of this letter,
16 4/27/2019, or the day that Dr. Wanzo signed the
17 letter.

18 A. Okay. So to the point she was leaving
19 for June 29th, which was the last day she sent in
20 for HR, I believe, so the two months would be
21 accurate from April. But like I stated earlier,
22 I wasn't requesting to be off or anything. I was
23 just telling her the circumstances of my
24 environment at work.

25 Q. If we can go to the next document, it's

1 Bates CG-64 through 66.

2 (Plaintiff's Exhibit 24 was
3 marked and identified.)

4 A. Yes, sir.

5 Q. Okay. And this is another fax that
6 Dr. Wanzo sent to the Hartford; is that right?

7 A. Yes, sir.

8 Q. And if you turn to the last page of this
9 document, it appears to be signed by Dr. Wanzo on
10 June 26, 2019; is that right?

11 A. Yes, sir.

12 Q. Do you recall going over this attending
13 physician's statement with Dr. Wanzo?

14 A. Yes, sir. Because Hartford needed it
15 because I applied for long-term disability back
16 in April.

17 Q. Okay.

18 A. So this is a continuation of that
19 process.

20 Q. All right. And if you turn to the third
21 page of this exhibit under functionality --

22 A. Yes, sir.

23 Q. -- do you see where it says, if yes
24 specify what activities are impaired and how; do
25 you see that?

1 A. Yes, sir.

2 Q. And it says ability -- Dr. Wanzo wrote
3 ability to work in a fast-paced, high pressure
4 environment, right?

5 A. Yes, sir.

6 Q. Okay. And you agree with that
7 statement?

8 A. Yes, sir.

9 Q. And as of June 26, 2019, you agreed that
10 you had -- you were impaired in your ability to
11 work in a fast-paced, high pressure environment?

12 A. I wasn't impaired, but I could work in
13 an environment just not high -- fast-paced.
14 Especially with the circumstances that was
15 presented to me with lack of staffing where I
16 kept requesting my management team to help me and
17 even help themselves as a team during that entire
18 process.

19 Q. And a little bit -- a couple of
20 questions below that it says, what are your
21 patient's current abilities? What type of work
22 can your patient perform? And Dr. Wanzo wrote,
23 work three days per week, ten-hour days, work two
24 days of the three from home; do you see that?

25 A. Yes, sir.

1 Q. And did you agree with her assessment?

2 A. I agreed with work from home when I told
3 her the circumstances if I was to work by myself
4 as I, you know, stated earlier when I spoke to
5 Travis back in February about that and early
6 March. So that's what that was based upon, but I
7 didn't tell her to specifically, you know, say
8 that.

9 Q. Okay. But did you agree with her that
10 you needed to work -- that your current abilities
11 allowed you to work three days per week, ten-hour
12 days?

13 A. Correct.

14 Q. Okay. And it asks, what is your target
15 date for return to work for your patient, and she
16 said on a part-time basis, August 26, 2019,
17 right?

18 A. Right.

19 Q. And then it says, if part time on what
20 date will your patient be able to increase to
21 full time. And Dr. Wanzo wrote, September 23,
22 2019, right?

23 A. Yes.

24 Q. Okay. And you agree with that statement
25 that as of September 23, 2019 you would be able

1 to return to work in a full-time capacity?

2 A. I stated to her specifically that I was
3 able to return in June, but I can't go by her
4 assessment because she's the physician, so it's
5 up to her to make that request as well.

6 Q. Well, did you disagree with her when she
7 said she thought you could return to full-time
8 work on September 23, 2019?

9 A. I'd be full -- I thought I was going to
10 be full time before then, to be honest. I
11 didn't --

12 Q. Did you tell her --

13 A. Go ahead. I'm sorry.

14 Q. Did you tell her not to write in
15 September 23, 2019?

16 A. I didn't tell her to do nothing because
17 I wasn't in the office when she wrote this one
18 out, specifically, because I don't remember this
19 sheet. I remember just talking to her and
20 handing her the documents and she was like, okay,
21 I'm going to fill it out. I'll turn it into
22 Hartford. Because I know she just have her note
23 -- you know, like her notepad, and she -- you
24 know, she's writing her doctor notes the whole
25 time when I'm sitting there.

1 Q. Well, when did you receive this
2 document?

3 A. This is after I was terminated, so the
4 same week actually I was termed. I got this,
5 like, on the 10th and I was termed the 12th.

6 Q. You received this -- this document is
7 dated June 26, 2019. Do you recall when you
8 would have received this document?

9 A. Oh, that document in particular. I'm
10 sorry. I'd have to look at my e-mail from
11 Hartford and I can get you that date
12 specifically.

13 Q. Okay. Well, when you received this
14 document, would you have reviewed it?

15 A. Excuse you?

16 Q. When you received this document, would
17 you have reviewed it?

18 A. Yeah, it wasn't -- it wouldn't have been
19 filled that out. It'd be blank. That's what I'm
20 saying. So it wasn't going to be full when I
21 received it.

22 Q. When did you receive a completed,
23 filled-out copy of this document?

24 A. She filled it out on the 26th. I
25 probably got a copy of it late June or early

1 July, but I still would have to go back. I'm not
2 going to give you a falsified date.

3 Q. Okay. So the best you can recall is
4 late June, early July 2019?

5 A. Yes, sir.

6 Q. All right. And would you have reviewed
7 your doctor's responses to the questions
8 contained in this document?

9 A. Correct.

10 Q. All right. And when you saw that your
11 doctor indicated that you could return to
12 full-time work as of September 23, 2019, did you
13 call up your doctor and disagree with her?

14 A. No, sir, because I was already
15 disgruntled. This is almost two months after I
16 was terminated. I was highly upset at Schneider.

17 Q. Did you contact the Hartford and tell
18 them that you didn't think that you thought you
19 could return to full-time work prior to September
20 23, 2019?

21 A. When I called the Hartford and told them
22 I was terminated, they was dismayed and they
23 couldn't believe I was terminated. I understand.
24 I understand.

25 Q. When you received this document and your

1 physician wrote that you could return to
2 full-time work on September 23, 2019, did you
3 contact the Hartford and tell them that you
4 disagreed with that?

5 A. No, sir.

6 Q. Ms. Geter, are you aware of any area
7 planning managers who requested a reduced work
8 schedule for approximately six months?

9 A. To my knowledge, yes, sir.

10 Q. Who?

11 A. Tiffany Kitchens and the young lady we
12 spoke about earlier with the cancer treatment,
13 Candis Smith.

14 Q. Anyone else?

15 A. Other than maternity leave for
16 Audrianne. She was pregnant twice, so that's a
17 six to eight-week time period on that. But other
18 than that, that's it.

19 Q. Okay. And Audrianne, she was out on
20 leave due to the birth of her children; is that
21 right?

22 A. Yes, sir. Correct.

23 Q. And she was out on a continuous leave of
24 absence for six to eight weeks; is that your
25 understanding?

1 A. Correct.

2 Q. Okay. And do you know whether or not
3 those absences were covered under the FMLA?

4 A. Yes, they were.

5 Q. Okay. And those are the leaves to which
6 you're referring with respect to Ms. Williams; is
7 that correct?

8 A. Yes, sir.

9 Q. All right. And Tiffany Kitchens, what
10 job position did she have?

11 A. Area planning manager, first shift.

12 Q. First shift?

13 A. Yes, sir.

14 Q. And do you know who she reported to?

15 A. Doug Horton -- I'm sorry. Rodney Dunn,
16 because she was over Jacksonville.

17 Q. Rodney Dunn?

18 A. Yes. I'm sorry. R-o-d-n-e-y; D-u-n-n.

19 Q. And do you know what her regular work
20 hours would be?

21 A. Her hours she'll come in at 6:30 in the
22 morning and leave at 4:30 in the evening. 3:30
23 to 4:30 depending on what's going on in her
24 market.

25 Q. And how do you know that?

1 A. Because I was on third shift and I had
2 transferred the markets. If I had her markets
3 the night before, I'm the person she has to talk
4 to. Third and first shift communicates --

5 Q. Do you --

6 A. Uh-huh. (Affirmative). Go ahead. I'm
7 sorry.

8 Q. Do you know what days of the week she
9 would work?

10 A. It was Monday through Friday because
11 first shift never worked weekends. They just --

12 Q. She worked a Monday --

13 A. I'm sorry.

14 Q. -- through Friday schedule, 6:30 a.m. to
15 3:30, 4:30 p.m.?

16 A. Yes, sir.

17 Q. Okay. And when -- when do you believe
18 she took a reduced -- or started working a
19 reduced schedule?

20 A. I believe that was -- I started noticing
21 it around, like, July or August of 2018.
22 Everybody started noticing she wasn't coming to
23 work a lot, and then we just started inquiring is
24 she okay, and then we found out she was out on
25 leave.

1 Q. Do you know why she was out on leave?

2 A. Her parents were ill, and she was going
3 through a mental distress as well -- mental
4 health distress as well.

5 Q. Do you know if she took time off under
6 the FMLA?

7 A. Yeah. I didn't see her for, like, a
8 good month to two months almost.

9 Q. Do you know one way or the other whether
10 she took time off under the FMLA?

11 A. No, sir. But for that time -- that
12 amount of time, we don't have that amount of time
13 on our time off for personal time off. We're
14 only allotted -- she was hired -- rehired August
15 of 2014 a month after me, so that's how I know I
16 have the seniority far as time-wise. How we get
17 our time, we get on that same scale, so we had
18 the same amount of time. So she wasn't allotted
19 that. In order to be out that amount of time you
20 have to be on FMLA.

21 Q. And you said you believe that she was
22 not coming into work a lot beginning in July or
23 August of 2018; is that right?

24 A. Yes, sir. She was starting to work
25 reduced hours. Like her days instead of five

1 days, you'll see Tiffany three days a week.

2 Q. And how long was she working a -- do you
3 believe she was working a reduced schedule?

4 A. For a while. Even when I came back on
5 July -- in January she was doing at least once a
6 week she wasn't coming in to help with her
7 parents, I believe.

8 Q. Do you know if she had any time
9 available under the FMLA during the July, August
10 2018 through January 2019 time period?

11 A. No, sir. That was none of my business.

12 Q. Do you know what specific days she was
13 off during the July 2018 through January 2019
14 time period?

15 A. No, sir, not specifically.

16 Q. Do you know the specific circumstances
17 of her time off during the July 2018 through
18 January 2019 time period?

19 A. The reason for her time being off? Is
20 that the premise of the question?

21 Q. Do you know the specific -- I'll
22 rephrase it.

23 Do you know the specific days that she would
24 have been off during the July 2018 through
25 January 2019 time period?

1 A. No, sir, I do not recall that, but I do
2 remember when she first -- when it first started
3 becoming noticeable, she was missing days, like a
4 few weeks at a time and we was looking for her,
5 like making sure she was okay.

6 Q. And you believe --

7 A. Inquiring as a team. Uh-huh.
8 (Affirmative).

9 Q. Do you believe Ms. Kitchens returned to
10 a full-time schedule in January of 2019?

11 A. No, sir.

12 Q. No, sir? I'm sorry?

13 A. No, sir.

14 Q. When do you believe she returned to a
15 full-time schedule?

16 A. I just know on certain days until the
17 time I was terminated, Tiffany was allowed to
18 work at home some days and she was off on some
19 days. So I don't have a specific time period for
20 that. Travis would definitely know that, and
21 Rodney would know that.

22 Q. So you don't know when she would have
23 returned to a full-time schedule; would that be
24 an accurate statement?

25 A. Yes, sir, that's correct.

1 Q. You weren't charged with approving any
2 of her time off, were you?

3 A. I'm sorry?

4 Q. You weren't charged with approving any
5 of her time off; is that correct?

6 A. No, sir, I was not.

7 Q. Okay. And you wouldn't have access to
8 her time records as to when she had -- when she
9 took time off; is that correct?

10 A. That is correct. Only management and HR
11 has those abilities.

12 Q. And is it your understanding that
13 Ms. Kitchens instead of working five days a week
14 was working a set schedule of four days a week or
15 three days per week?

16 A. Correct.

17 Q. That was your understanding; it was a
18 set schedule?

19 A. It wasn't a set schedule, not to my
20 understanding. It was just when I saw her, I
21 started noticing, oh, she's only here twice a
22 week, oh, she's here three days a week, but it
23 wasn't a set schedule.

24 Q. Do you know if Ms. Kitchens had
25 requested any type of a workplace accommodation

1 during the July 2018 through January 2019 time
2 period?

3 A. No, sir, not to my knowledge.

4 Q. Do you know who would've approved any
5 requests by Ms. Kitchens to work a reduced
6 schedule?

7 A. Yes. Rodney Dunn and Marianne
8 Biskey-Rose.

9 Q. What is Ms. Kitchens' race?

10 A. Caucasian.

11 Q. Okay. Other than Ms. Kitchens -- one
12 second. You mentioned Ms. Kitchens and Candis
13 Smith --

14 A. Yes, sir.

15 Q. -- you believe were permitted to work a
16 reduced schedule, right?

17 A. Yes, sir. And also, can I add one more
18 person? I'm sorry.

19 Q. Sure.

20 A. Sarah Kopf, she was allotted to --
21 during her divorce and dealing with her children
22 during that time period, she was allotted to help
23 with her schedule to work from home remotely when
24 she couldn't have childcare if her ex-husband
25 couldn't ascertain the kids at that time. So she

1 would request to work from home on those
2 particular days even afterwards after I left. I
3 know of this because she told me herself. She
4 was like, yeah, Travis had to let me take off on
5 this day. I was like, oh, okay.

6 Q. And we've already discussed Ms. Smith
7 and the circumstances surrounding her time off;
8 is that correct?

9 A. Yes, sir.

10 Q. And Sarah Kopf, who did she report to?

11 A. Travis Torrence, Doug Horton and
12 Marianne Biskey-Rose. That's her chain of
13 command.

14 Q. All right. And you said that she was
15 permitted to work from home?

16 A. Yes, sir.

17 Q. Do you know if Ms. Kopf ever worked a
18 reduced schedule?

19 A. Not a reduced schedule, to my knowledge,
20 but she was -- when days where she needed to work
21 remotely, they granted it to her.

22 Q. And what shift did she work?

23 A. Second shift.

24 Q. Other than Ms. Kitchens and Ms. Smith,
25 any other area planning manager whom you believe

1 was permitted to work a reduced schedule?

2 A. No other person in the office had any
3 other medical or any other issues that I remember
4 that was out like that, so no, sir.

5 Q. And you said that Ms. Kopf was permitted
6 to work from home. Do you know how long she was
7 permitted to work from home? How long this
8 accommodation was provided?

9 A. All the way into COVID.

10 Q. When did it start?

11 A. When did she start working? So it had
12 to be around, I believe, spring -- no, fall of 20
13 -- no. It was starting spring of 2018 she was
14 having difficulties with her ex-husband around
15 that time with the scheduling with the kids, and
16 then if a scenario popped up with the kids --
17 that was give or take once or twice a month from
18 that point on and then she'll work from home on
19 those days. Yeah, she'll work from home.

20 Q. So with respect to Ms. Kopf, it's your
21 testimony that beginning in the spring of 2018,
22 she was permitted to work from home one or two
23 days a month to care for her children?

24 A. To help accommodate. Yes, sir. Working
25 remote from home. Uh-huh. (Affirmative).

1 Q. She was permitted to work from home one
2 or two days a month from the spring of 2018 until
3 the start of COVID?

4 A. Yes, sir. And then the entire staff was
5 remote.

6 Q. And that would have been the spring of
7 2020 would be the start of COVID?

8 A. Yes, sir.

9 Q. Okay. So it's your testimony that from
10 the spring of 2018 to the spring of 2020 Ms. Kopf
11 was permitted to work from home one or two times
12 a month to care for her children?

13 A. Yes, sir.

14 Q. What evidence do you have in support of
15 your contention?

16 MS. LEGARE: Objection.

17 A. I spoke with her on the phone
18 personally. Like she'd checked on me and I'd
19 check on her and the kids, just how we always
20 did, and she'd bring it up in conversation.
21 Yeah, I had to take off on this day or I had to
22 work from home. I'm like, oh, okay.

23 BY MR. MILIANTI:

24 Q. So she would tell you in conversations
25 that she would have to work from home?

1 A. Yes, sir.

2 Q. And you deduced based on those
3 conversations that it was one or two times a
4 month?

5 A. Yes, sir. Because she would tell me --

6 Q. Any other evidence you have in support
7 of your contention that she was permitted to work
8 from home one or two days a month since from the
9 spring of 2018, spring of 2020?

10 A. No, sir. The evidence would have to
11 come from Schneider on that part. Because our
12 logins on our laptop shows where we log in at.

13 Q. Other than Ms. Kopf, any other area
14 planning managers you believe were permitted to
15 work from home?

16 A. Due to what circumstance? Can I ask
17 that question for you?

18 Q. Sure. Any area planning managers who
19 were permitted to work from home on any type of a
20 regular basis?

21 A. The entire staff there.

22 Q. The entire staff regularly worked from
23 home?

24 A. Not regularly, but they didn't have a
25 problem if you've called out sick if you didn't

1 want to use your sick leave, or let's say you was
2 out of town when you couldn't make it back in
3 town, but you took your laptop with you, which
4 some people would do, and you'd be like, hey, I
5 can't make it. I'm working in North Carolina
6 this week. Okay. And they'd allow them to work
7 remotely.

8 Q. Are you aware of any area planning
9 managers who were permitted to work from home one
10 day per week?

11 A. As a schedule?

12 Q. Yes.

13 A. No, sir.

14 Q. Were you aware of any area planning
15 managers who were permitted to work from home one
16 day every two weeks?

17 A. No, sir. Other than what I saw from
18 Tiffany Kitchens, like from what I saw, no.

19 Q. Would it be accurate to say that area
20 planning managers were permitted generally to
21 work from home if they were ill or if some type
22 of an emergent circumstance came up --

23 A. Yes, sir.

24 Q. -- would that be accurate?

25 A. Yes, sir. Because they even had us

1 leave the premise when, like, we have tornado
2 warnings in the area. They have us move from
3 that location because we're in a triple wide
4 trailer to the hotel, like, two miles away to be
5 in a commercial building instead of going home.
6 So they'll have us probably go there if it's like
7 a storm, but still work remotely. And if the
8 storm gets too bad, they'll tell everybody to go
9 home once it's permissible. And then if we had
10 ice or sleet and Atlanta shuts down for that, we
11 can work from home. And that happened on two
12 occasions -- three occasions while I was employed
13 with Schneider for five years just with the ice
14 alone.

15 Q. Do you know if your position was
16 replaced or if somebody replaced you?

17 A. Ryan Wheeler was moved from first shift
18 to third shift to cover me.

19 Q. How do you know that?

20 A. Because he told me.

21 Q. Do you know if anyone was hired to
22 replace your position on third shift?

23 A. I can't remember her name. I don't know
24 if she's no longer there, but it was a young lady
25 they hired right after me to cover my shifts.

1 She came in at 2:00 a.m., which I requested
2 Travis at that time have somebody come in
3 mid-shift from 2:00 a.m. to 10:00 a.m. to cover
4 the latter part of my shift, which is the
5 eight-hour period of my shift.

6 Q. Do you know that person's name?

7 A. I do not know her name because she was
8 not hired when I was there, but I can try to
9 acquire that for you.

10 Q. Do you know her race?

11 A. African American.

12 Q. Do you know how long she worked -- do
13 you know if she's still employed at Schneider?

14 A. I don't know that specifically.

15 Q. Do you know who hired her?

16 A. Travis Torrence and -- she had to go
17 through Travis, Doug and Marianne because that's
18 the hiring process.

19 Q. And do you have any personal knowledge
20 as to who would have hired her?

21 A. No, sir.

22 Q. Can you go to your charge of
23 discrimination? It's Bates-stamped Schneider
24 252.

25 A. Yes, sir.

1 Q. Let's mark this as Plaintiff's
2 Deposition Exhibit number 25.

3 MS. LEGARE: Hey, Pete?

4 MR. MILIANTI: Yes?

5 MS. LEGARE: Can we take a five-minute
6 break?

7 MR. MILIANTI: Yes.

8 (Break taken from 4:44 p.m. to 4:59 p.m.)

9 BY MR. MILIANTI:

10 Q. All right. Ms. Geter, are you ready to
11 resume your testimony?

12 A. Yes, sir.

13 Q. You should have in front of you
14 Schneider 252, which is your charge of
15 discrimination, which is marked -- will be marked
16 as Plaintiff's Deposition Exhibit number 25. And
17 is that your signature at the bottom?

18 (Plaintiff's Exhibit 25 was
19 marked and identified.)

20 A. Yes, sir.

21 Q. And it's dated April 18, 2019?

22 A. Yes, sir.

23 Q. Okay. And if you look in the middle it
24 says, discrimination based on, and you checked
25 the boxes for race and disability; is that right?

1 A. My point of contact at EEOC did, but
2 yes.

3 Q. Okay. EEOC checked those two boxes on
4 your behalf?

5 A. Yes, sir.

6 Q. Okay. Who prepared -- well, first of
7 all, do you see the section that states what the
8 particulars are?

9 A. Yes, sir.

10 Q. Okay. Did you draft that?

11 A. I did a written statement at EEOC office
12 here in Atlanta.

13 Q. All right. And did they then take your
14 statement and draft the particulars as reflected
15 here in Exhibit 25?

16 A. Yes, sir. Section one and section two,
17 and then, of course, I agree to section three as
18 well.

19 Q. Okay. And does this accurately reflect
20 the charges of discrimination that you intended
21 to bring against Schneider as of April 18, 2019?

22 A. Yes, sir.

23 Q. You can go to the next exhibit, which is
24 your complaint.

25 A. Yes, sir.

1 Q. I will mark this as Plaintiff's
2 Deposition Exhibit number 26. Did you review
3 this complaint before it was filed?

4 (Plaintiff's Exhibit 26 was
5 marked and identified.)

6 A. Yes, sir.

7 Q. Okay. If you'd like, please go ahead
8 and take some time to look at it, but does this
9 complaint accurately and truthfully reflect the
10 allegations you've raised against Schneider?

11 A. Yes, sir.

12 Q. And one of the claims that you're
13 bringing against Schneider in this lawsuit is
14 that you believe you've been discriminated
15 against because of your race; is that right?

16 A. Correct.

17 Q. And what are the facts that you believe
18 support your claim that you were discriminated
19 against because of your race?

20 A. Because from my experience working there
21 for five years and what I have witnessed with my
22 own two eyes I just saw the discrepancies on how
23 people were treated. And the year of 2018
24 specifically I can recall -- I remember looking
25 at the calendar and I was like, how come the

1 management -- even though management -- I know
2 they are allotted the same amount of time as us
3 sometimes, like the -- your time is dependent on
4 your seniority and stuff.

5 So when I started noticing when my
6 management team started taking off more and
7 leaving us, you know, when we needed help
8 sometimes, and then I started noticing my other
9 coworkers of other races was taken off more or
10 they had certain circumstances and they were
11 accommodated. I just took note of that -- mental
12 note of it.

13 Q. So you believe you were discriminated
14 against because of your race because your
15 management team was permitted to take more time
16 off than you?

17 A. Not just me, just the entire staff. I
18 noticed that Travis, I believe, was off that year
19 -- because I looked at the calendar, I looked at
20 the days and I counted one night everybody's time
21 and it was 80 -- I think it was 82 days total
22 around that time. I knew he was covering for
23 Candis because she was out with her cancer
24 treatment, and then at that time, he was just
25 doing a lot of schedule maneuvering to

1 accommodate for second shift. So I knew why he
2 was taking a lot of time to, you know, make up
3 that time, but then at same time we're only
4 allotted maybe 25, 35 days a year.

5 Q. And you said that the management team
6 was permitted to take more time off than all the
7 other area planning managers; is that right?

8 A. That's correct.

9 Q. Okay. And some of those area planning
10 managers were white; is that right?

11 A. Yes, sir.

12 Q. Okay. Other than your belief that your
13 management team was permitted to take more time
14 off than area planning managers, any other ways
15 in which you believe you were discriminated
16 against because of your race?

17 A. I looked at my circumstances with
18 Tiffany Kitchens because we were hired around the
19 same time and I looked at how she was treated
20 compared to how I was treated. At the end she's
21 still employed, I'm not.

22 Q. Why do you believe that's tied to your
23 race?

24 A. [Inaudible] -- I might not know the
25 circumstances in particular with her specific

1 days off, but from my review of my environment,
2 she was being treated better, in my opinion,
3 because she still has her job.

4 Q. You believe she still has her job
5 because she's white; is that your testimony?

6 A. Yeah.

7 Q. And how do you believe she was treated
8 better than you?

9 A. She's working, I'm not. And I saw that
10 when she was off at that time, they accommodated
11 her and they accommodated me, but then in the end
12 I didn't have a job and I was working on my
13 mental health.

14 Q. So you believe she was treated more
15 favorably than you because she was accommodated
16 and you were not?

17 A. Correct. The entire management team is
18 white.

19 Q. Well, is that your basis for believing
20 you were treated differently because of your race
21 because you're black and the management team is
22 white?

23 A. Yes, sir.

24 Q. All right. And do you have any evidence
25 in support of your position that you were treated

1 differently because of your race other than the
2 management team is white?

3 A. Can you rephrase that for me? I'm
4 sorry.

5 Q. Sure. Do you have any evidence to
6 support of your race discrimination claim other
7 than the fact that the management team is white
8 and you're black?

9 A. So Tiffany was the main person I was
10 looking at that, and then also how they
11 accommodated Sarah Kopf. I had way more
12 seniority than Sarah. I helped train Sarah, and
13 then when she needed anything for her family or
14 her needs, they accommodated her without a
15 question of a doubt.

16 Q. So you believe you were discriminated
17 against -- strike that.

18 You believe you were discriminated because
19 of your race because Sarah and Tiffany were
20 accommodated for their conditions and you were
21 not; is that your testimony?

22 A. Yes, sir. To a certain extent because
23 they accommodated me until April 12th.

24 Q. Okay. Any other evidence you have in
25 support of your race discrimination claim other

1 than what you've already testified to?

2 A. That's the only thing unless I can get
3 you or you guys can get Schneider copies of their
4 scheduling.

5 Q. As you sit here today, any other
6 evidence you have in support of your claim that
7 you were discriminated against by Schneider
8 because of your race, other than what you've
9 already testified to?

10 A. Not at this time, sir, that I can
11 recollect.

12 Q. You're also claiming in this lawsuit
13 that you believe you were retaliated against in
14 violation of the Americans with Disabilities Act;
15 is that correct?

16 A. Yes, sir.

17 Q. How you believe Schneider retaliated
18 against you?

19 A. Because they fired me.

20 Q. Why do you believe they fired -- how do
21 they -- you believe Schneider terminated you,
22 why? Why do you believe Schneider terminated
23 you?

24 A. I believe they terminated me because
25 they didn't want to deal with my circumstance,

1 which was my mental health treatment and journey
2 of healing as an employee.

3 Q. Any other reasons?

4 A. Other than they didn't care. That's it.

5 Q. Other than what you've already testified
6 to here today, any other accommodations that you
7 requested from Schneider because of your medical
8 conditions?

9 A. The only other accommodation I ever
10 requested from Schneider is when I had my hand
11 surgery in 2015 where I was on FMLA for that.
12 But other than this particular FMLA case as far
13 as mental health, no, sir.

14 Q. Have you spoken with Ryan Wheeler since
15 the termination of your employment?

16 A. Yes, sir.

17 Q. And what have you spoken with him about?

18 A. What he's doing in his life.

19 Q. And how many times have you spoken with
20 Mr. Wheeler?

21 A. I speak to Ryan at least twice -- two to
22 three times a week.

23 Q. What information do you believe Ryan
24 Wheeler has in support of your claims against
25 Schneider?

1 A. How he was treated on first shift and
2 third shift and he had tense disagreements with
3 Doug and Travis.

4 Q. And what are those text messages have to
5 do with your claims against Schneider?

6 A. I didn't say text messages. I'm sorry.
7 I said tense disagreements.

8 Q. How do those disagreements with
9 management relate to your claims against
10 Schneider?

11 A. Whereas if another counterpart --
12 another Caucasian counterpart will suggest the
13 same things Ryan would suggest, they'll take that
14 person's word over Ryan's.

15 Q. And how does that support any of your
16 claims in this lawsuit?

17 A. Because the other person was Caucasian
18 and Ryan is African American.

19 Q. Any other ways in which you believe
20 Mr. Wheeler will support your claims in this
21 lawsuit?

22 A. He would support the claims of the
23 environment of how our work conditions were on
24 third shift. Because he was hired for third and
25 then he went to the first and then they had to

1 rearrange the schedule after they terminated me
2 to put him back on third, because he was one of
3 the people that understood the shift, as well as
4 I did and Desmond Seymour. I was the --

5 Q. Any other way --

6 A. -- the lead on third shift.

7 Q. Any other ways you believe Mr. Wheeler
8 will support your claims in this lawsuit?

9 A. I believe Ryan can just tell his side
10 from his viewpoint and he will -- I think he will
11 concur with the fact that it was some racial
12 tension -- not tension, but you can see the
13 little racial things they played in the office
14 and they thought no one could pay attention to
15 this.

16 Q. Who is Jowayn Worrell?

17 A. Jowayn Worrell is my boyfriend.

18 Q. What information does he have in support
19 of your claims against Schneider?

20 A. He witnessed me go through my breakdown
21 after I was terminated.

22 Q. Anything else?

23 A. He can tell you as from his perspective
24 how he saw things from a driver's perspective.

25 Q. Is Mr. Worrell still employed by

1 Schneider?

2 A. Yes, sir.

3 Q. When did you start dating him?

4 A. I started dating him May 14, 2019.

5 Q. After your termination of employment?

6 A. Yes, sir.

7 Q. Did you know him prior to May 14, 2019?

8 A. Yes, sir. He was one of the drivers on
9 the fleet.

10 Q. When did you meet him?

11 A. December 2017, I believe, when he first
12 started at Schneider.

13 Q. Did you have any text message or any
14 e-mail exchanges with Mr. Worrell relating to
15 your employment at Schneider?

16 A. I texted him the night I was terminated
17 just letting him know I was no longer his
18 dispatcher because I sent a text message to all
19 my drivers. And when he responded, he was like,
20 what you mean you're term? I was like, I'm no
21 longer your dispatcher. And that's the only
22 thing -- after then, it was all personal after I
23 was terminated.

24 Q. How about with Mr. Wheeler? Any
25 communications with Mr. Wheeler relating to your

1 employment at Schneider?

2 A. He thought it was messed up that I was
3 terminated. My entire team was not happy about
4 that. He said basically they had to hire the
5 girl, that I can't remember the name right now,
6 to fill in for me. And then he was telling me
7 that -- he was like, it's still the same crap.
8 He was like, they're not listening. And I was
9 like, I'm sorry.

10 Q. So my question was, do you have any
11 communications with him, any text messages or
12 e-mail exchanges with Mr. Wheeler relating to
13 your employment at Schneider?

14 A. Related, yeah, we were coworkers and
15 we're friends. But do you mean pertaining --

16 Q. Do you still have those messages?

17 A. I'm sorry. Do you mean pertaining to
18 this case, or pertaining to personal information?

19 Q. Pertaining to your employment at
20 Schneider.

21 A. Employment lately, no, sir. Probably
22 prior to --

23 Q. At any point in time --

24 A. Probably so.

25 Q. -- any communication with Mr. Wheeler

1 related to your employment at Schneider?

2 A. Yeah, I probably so from my old phones
3 and text messages. As coworkers we do
4 communicate.

5 Q. Who is Robert Best?

6 A. A former driver at Schneider.

7 Q. And what information do you believe
8 Mr. Best has in support of your claims against
9 Schneider?

10 A. How third shift was ran because he was a
11 third shift driver. And so he can, you know,
12 concur how if he comes in there's only one person
13 or two people working at night or how the
14 staffing was looking when he comes in to get his
15 paperwork or start his shift or any shift.

16 Q. Okay. You were terminated from
17 Schneider on April 12, 2019. Did you -- would it
18 be accurate to say that -- strike that.

19 Was there any period of time after your
20 termination of employment from Schneider where
21 you were unable to work?

22 A. No, sir. I was able to work afterwards.

23 Q. Did you search for any employment after
24 you were terminated from Schneider?

25 A. Yes, sir.

1 Q. Did you search for employment during the
2 time period you were receiving long-term
3 disability benefits?

4 A. Yes, sir.

5 Q. Where did you look for employment?

6 A. Amazon and I looked at -- Amazon and I
7 believe two logistics companies, and then I
8 started my school in June officially. So I was
9 studying -- my first herbalist school, I started
10 that in late May, early June and then I was
11 looking for work, and then around August
12 schoolworkmore intense.

13 I remember my unemployment ended and
14 everything and I was like, you know what, I'm
15 going to focus on school. And then when I got
16 school under my belt, meaning like I got used to
17 my schedule, I was like, okay, I'm going to go
18 back and see if I can get, like, a part time and
19 that's when COVID hit around, like, January or
20 February of 2020.

21 Q. Okay. So you started school in June of
22 2019; is that right?

23 A. Yes, sir.

24 Q. And by August of 2019 you decided to
25 focus on your schoolwork?

1 A. Yes, sir.

2 Q. Okay. So you voluntarily chose not to
3 seek employment beginning in August of 2019; is
4 that correct?

5 A. That's correct.

6 Q. Okay. And then you were going to start
7 looking for part-time work around the spring of
8 2020; is that right?

9 A. Yes, sir.

10 Q. Okay. And then COVID hit; is that
11 right?

12 A. Yes, sir.

13 Q. And you now consider yourself a
14 full-time student, right?

15 A. Yes, sir.

16 Q. So you've been a full-time student since
17 August of 2019?

18 A. Yes, sir.

19 Q. Have you had any -- have you held any
20 job since April 12th of 2019?

21 A. I'm sorry. I don't know what --

22 Q. Have you had any job -- have you held
23 any employment since your termination of
24 employment from Schneider?

25 A. No, sir.

1 Q. And you're not currently looking for a
2 job; is that correct?

3 A. Correct.

4 Q. So would it be accurate to say that you
5 haven't been looking for a full-time position
6 since at least August of 2019?

7 A. That is correct.

8 Q. You mentioned you received unemployment
9 compensation; is that right?

10 A. Yes, sir.

11 Q. Okay. When did you start receiving
12 unemployment compensation?

13 A. I believe it was June of 2019. It took
14 about six weeks to eight weeks.

15 Q. And how much did you receive in
16 unemployment compensation?

17 A. 306 a week.

18 Q. 306 a week?

19 A. (Shakes head up and down.)

20 Q. Is that a yes?

21 A. Yes, sir. I'm sorry.

22 Q. And for how long?

23 A. Until August of 2019.

24 Q. Until you decided to go to school full
25 time?

1 A. Yes, sir.

2 Q. And did you receive unemployment
3 compensation during the same time period that you
4 were receiving long-term disability benefits?

5 A. Yes, sir. And they adjusted the wages
6 for that. Hartford did.

7 MR. MILIANTI: Okay. If you can just
8 give me a second, I think I might be done.

9 (Break taken from 5:26 p.m. to 5:27 p.m.)

10 BY MR. MILIANTI:

11 Q. Ms. Geter, it's my understanding you
12 were on short-term disability until June of 2019;
13 is that correct?

14 A. Yes, sir.

15 Q. Okay. So from the termination of your
16 employment in April of 2019, you received
17 short-term disability benefits until June 2019?

18 A. Yes, sir.

19 Q. Do you know what the payment was for
20 those short-term disability benefits?

21 A. No, sir. But I can -- I can research
22 that for you and get that to you.

23 Q. Was it a percentage of your salary?

24 A. It was. It was based upon me going back
25 to work in that time period, so it was based upon

1 that schedule. So I just can't give you a
2 specific amount.

3 Q. And I believe you applied for a position
4 at Love Honey in February of 2019; does that
5 sound familiar?

6 A. Yes.

7 Q. What's Love Honey?

8 A. It's a sex toy company. It's a European
9 sex toy company that's made -- they have a
10 distribution place here in College Park. And
11 because of their work environment, I was looking
12 for an easier, less stressful work environment to
13 help with the situation if Schneider couldn't
14 accommodate.

15 Q. And were you interviewed for that
16 position?

17 A. No, sir.

18 Q. And did you also look for a position at
19 Canna Bistro?

20 A. Yes, sir.

21 Q. And what is Canna Bistro?

22 A. It's a cannabis-based company here in
23 Atlanta. It's black-owned and female-owned and
24 is a healthcare provider -- not healthcare
25 provider, but a healthcare supplement provider

1 for cancer patients and people with medicinal
2 marijuana cards for the state of Georgia.

3 Q. And when did you apply for employment?

4 A. I applied for -- not employment, but to
5 be a distributor for their products and also a
6 consultant.

7 Q. Did you interview for a position?

8 A. Yes. Not a position, but for that
9 particular opportunity.

10 Q. And were you retained?

11 A. Yes, but not for a long period of time
12 because it conflicted with my scheduling.

13 Q. And when did you start working for Canna
14 Bistro?

15 A. Not working for them, but I started
16 really, like, distributing, like, spring of 2019.
17 I was trying to -- that's when I was doing, like,
18 my research and obtaining information and going
19 to their events.

20 Q. So you were an independent contractor
21 for Canna Bistro?

22 A. Yes, sir.

23 Q. As a distributor/consultant?

24 A. Yes, sir.

25 Q. And that started in the spring of 2019?

1 A. Yes, sir.

2 Q. Were you still employed at Schneider at
3 the time?

4 A. Yes, sir.

5 Q. And what days did you work or perform
6 work for Canna Bistro?

7 A. I didn't perform work for them. I was
8 just signed up with that company so I could learn
9 from them, and then if they needed my expertise
10 as far as like -- they make treats and stuff. I
11 had a baking company, so they would call me and
12 say, hey, what would you suggest to go with this
13 type of flavor, and I would help them with that.

14 Q. Well, how frequently would you help them
15 in the spring of 2019?

16 A. Probably, like, three times that whole
17 time.

18 Q. Did you earn any income from Canna
19 Bistro?

20 A. No.

21 MR. MILIANTI: Okay. So that's all the
22 questions I have. Thank you very much for your
23 time, Ms. Geter.

24 THE WITNESS: Thank you.

25 MS. LEGARE: Morgan, how do I tell you

1 what we want for the transcript?

2 THE COURT REPORTER: So usually I just
3 ask if you want an e-Tran or a hard copy.

4 MS. LEGARE: I don't need a hard copy
5 and I don't need a mini, I hate them. Yeah, just
6 an e-Tran and the exhibits, full-sized.

7 THE COURT REPORTER: Peter, is an
8 e-Tran original okay with you?

9 MR. MILIANTI: Yeah, I do want a mini,
10 though.

11

12 (Deposition concluded at 5:34 p.m.)

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1 E R R A T A S H E E T

2

3 IN RE: CIERRA GETER,
4 Plaintiff,
5 vs.
6 SCHNEIDER NATIONAL CARRIERS, INC.,
7 Defendants.

8

9 CASE NO. 20-CV-01148-SCJ-JSA

10

DEPOSITION TAKEN ON: 3/9/2021

11

12 I have read the transcript of my deposition and
find that no changes are necessary.

13

14 _____
CIERRA GETER

15

Having read the transcript of my deposition,
16 I wish to make the following changes:
(Please state reason.)

17

18 Page / Line / Change / Reason

19

_____/_____/_____/_____

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15 _____/_____/_____/_____

CIERRA GETER

Sworn to and subscribed before me,
this ____ day of _____, ____.

Notary Public
My commission expires: _____

1 D I S C L O S U R E
2 STATE OF GEORGIA
3 COUNTY OF CHEROKEE
4 SCHEDULED DEPOSITION OF: CIERRA GETER
5

6 Pursuant to Article 10.B of the Rules and
7 Regulations of the Board of Court Reporting of
8 the Judicial Council of Georgia, I make the
9 following disclosure:

10 I am a Georgia Certified Court Reporter. I
11 am here as a representative of Magna Legal
12 Services. I am not disqualified for a
13 relationship of interest under provisions of
14 O.C.G.A. §9-11-28(c).

15 Magna Legal Services was contacted by the
16 office of McGuire Woods, LLP to provide court
17 reporting services for this deposition.

18 Magna Legal Services will not be taking this
19 deposition under any contract that is prohibited
20 by O.C.G.A. §15-47-37 (a) and (b).

21 Magna Legal Services has no Exclusive
22 contract to provide reporting services with any
23 party to the case, any counsel in the case, or
24 any reporter or reporting agency from whom a
25 referral might have been made to cover this
 deposition.

 Magna Legal Services will charge its usual
 and customary rates to all parties in the case,
 and a financial discount will not be given to any
 party to this litigation.

 This, the 9th day of March, 2021.

Morgan Spriggs
 Morgan Spriggs, CCR/CVR
 CCR number GA: 5920-2001-3003-5712

1 C E R T I F I C A T E

2 STATE OF GEORGIA)

3 CHEROKEE COUNTY)

4

5 I hereby certify that the foregoing
6 transcript was taken down as stated in the
7 caption, and the proceedings were reduced to
8 print under my direction and control.

9 I further certify that the transcript is a
10 true and correct record of the evidence given at
11 the said proceedings.

12 I further certify that I am neither a
13 relative or employee or attorney or counsel to
14 any of the parties, nor financially or otherwise
15 interested in this matter.

16

17 This, the 22nd day of March, 2021.

18

19



Morgan Spriggs, CCR/CVR

20

CCR No. GA: 5920-2001-3003-5712

21

22

23

24

25



EXHIBIT B



Deposition of:
Travis Torrence

April 6, 2021

In the Matter of:
**Geter, Cierra v. Schneider National
Carriers Inc.**

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Geter, Cierra v. Schneider National Carriers Inc.

Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CIERRA GETER :
: 1:20-cv-01148-SCJ-JSA
Plaintiff(s) :
:
vs. :
:
SCHNEIDER NATIONAL :
CARRIERS, INC. :
:
Defendant(s) . :

- - -

Tuesday, April 6, 2021

- - -

Zoom deposition of TRAVIS TORRENCE, taken
pursuant to notice at Atlanta, Georgia, beginning at
10:12 a.m., before JULIE C. WILSON, a Georgia
Certified Court Reporter and Registered Professional
Reporter.

VERITEXT LEGAL SOLUTIONS
SOUTHEAST REGION
1075 Peachtree Street NE - Suite 3625
Atlanta, Georgia 30309

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I N D E X

- - -

TESTIMONY OF: TRAVIS TORRENCE

By MS. LEGARE 6

- - -

E X H I B I T S

EXHIBIT		PAGE
NUMBER	DESCRIPTION	MARKED
Exhibit 4	APM Job Description	32
Exhibit 8	FMLA request	37
Exhibit 10	Certificate of Healthcare	38
	Provier	
Exhibit 30	10/26/18 email	39
Exhibit 15	Accomodation approval	43
Exhibit 22	Accomodation denial	48
Exhibit 31	12/17/18 email	58
Exhibit 32	1/21/19 email	60
Exhibit 46	Answers to Interrogatories	62

Geter, Cierra v. Schneider National Carriers Inc.

Page 4

1 DEPOSITION SUPPORT INDEX

2 INSTRUCTION NOT TO ANSWER

3 PAGE LINE

4 NONE .

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6 REQUEST FOR PRODUCTION OF DOCUMENTS

7 PAGE LINE

8 NONE .

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10 STIPULATIONS

11 PAGE LINE

12 5 15

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14 QUESTIONS MARKED

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16 NONE .

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1 MS. LEGARE: Mr. Torrence, thank you
2 for being here today. I'm Cheryl Legare and I
3 represent Cierra Geter in the lawsuit she has
4 brought against Schneider National Carriers.
5 Is it okay if I call Schneider National
6 Carriers "Schneider" today?

7 THE WITNESS: Yes.

8 MS. LEGARE: Okay. And we're here
9 today in the matter that is currently pending
10 in the Northern District of Georgia. And this
11 deposition is being taken pursuant to notice
12 and agreement of parties for all purposes under
13 the Federal Rules of Civil Procedure and
14 Federal Rules of Evidence.

15 Are we reserving objections except to
16 form or privilege, Pete?

17 MR. MILIANTI: Yes.

18 MS. LEGARE: And did you want to read
19 and sign?

20 MR. MILIANTI: Yes, please.

21 MS. LEGARE: Can you swear in the
22 witness please, Julie.

23 THE COURT REPORTER: Due to the need
24 for this deposition to take place remotely
25 because of the Government's order for social

1 distancing, the parties will stipulate that the
2 court reporter may swear in the witness over
3 Veritext virtual videoconference and that the
4 witness has verified that he is, in fact,
5 Travis Torrence.

6 - - -

7 TRAVIS TORRENCE, after having been
8 duly sworn, was examined and testified as
9 follows:

10 - - -

11 EXAMINATION

12 - - -

13 BY MS. LEGARE

14 Q. Mr. Torrence, can you please state your full
15 name for the record.

16 A. Travis Demino Torrence.

17 Q. And have you ever been deposed before?

18 A. No, ma'am.

19 Q. Have you ever testified in court before?

20 A. No, ma'am.

21 Q. You understand that we're here today and you
22 are under oath just as if we were in court under
23 penalty of perjury, right?

24 A. Yes, ma'am.

25 Q. And is there any reason other than the passage

1 of time that you couldn't give complete and accurate
2 testimony here today?

3 A. No, ma'am.

4 Q. Are you taking any medications that might
5 affect your memory or make you sleepy?

6 A. No, ma'am.

7 Q. There are just a few ground rules. I'm sure
8 that Pete shared these with you. But if you don't
9 understand a question I ask you, just ask me to
10 rephrase it. I'm happy to do that, okay?

11 A. Okay.

12 Q. It's particularly hard on these remote
13 depositions for the court reporter to get everything
14 down. So it's really important that we don't talk
15 over each other, okay?

16 A. Yes, ma'am.

17 Q. If you need a break, just let me know, okay?

18 A. Okay.

19 Q. I don't anticipate more than a few hours.

20 MS. LEGARE: Pete, if you think we
21 need lunch, that's fine. But I'm happy to plug
22 through because I'm thinking two or three at
23 the most.

24 MR. MILIANTI: That works for me.

25

1 BY MS. LEGARE

2 Q. Mr. Torrence, can you state your full name for
3 the record, which has already been used.

4 Are you currently employed by Schneider?

5 A. Yes, ma'am.

6 Q. What did you do to prepare for your deposition
7 today? And I don't want to know about any
8 conversations that you had with your lawyer or any
9 of his associates.

10 A. I'm sorry. Can you ask that again.

11 Q. Yeah. Did you do anything outside of meet with
12 your lawyer to prepare for the deposition today?

13 A. No, ma'am.

14 Q. Did you review any documents to prepare for
15 today?

16 A. Yes.

17 Q. Can you tell me sitting here today, whether you
18 know if the documents you looked at had numbers down
19 in the right-hand corner?

20 A. I believe so, yes.

21 Q. Did you look at any documents that haven't been
22 turned over to the lawyers?

23 A. Not that I'm aware.

24 Q. And did you review the deposition transcript
25 from Ms. Geter's deposition?

1 A. No, ma'am.

2 Q. Did you talk outside of the presence of the
3 lawyers to any other Schneider employees about your
4 deposition here today?

5 A. No, ma'am.

6 Q. I find we can go a little faster if I just ask
7 some of those early questions broadly. Can you tell
8 me about your employment history with Schneider.

9 A. Sure. I started with Schneider in an IOS role
10 in 2012. Was in that role for a little over a year.
11 And then I was in the dispatch analyst, later
12 renamed area planning analyst role for about three
13 years.

14 Since promoted to operations team leader, which
15 I was in for about three years. And I have been in
16 my current role as operations manager since summer
17 of last year.

18 Q. Have you had, and specifically in your
19 management roles -- well, let me ask you this.

20 When you were an area dispatch analyst, area
21 planning manager, did you have any supervisory
22 responsibilities?

23 A. No, ma'am.

24 Q. But when you became a team lead, did that
25 change?

1 A. Yes.

2 Q. Tell me what your supervisor responsibilities
3 were as a team lead.

4 A. My direct reports were the area planning
5 managers and driver leaders that were second and
6 third shift in our office.

7 Q. Did you say driver leaders?

8 A. Yes.

9 Q. And I'm not -- this is not to discount the
10 position at all. But is an area planning manager or
11 was an area planning manager essentially a
12 dispatcher?

13 A. Yes.

14 MR. MILIANTI: Object to the form.

15 BY MS. LEGARE

16 Q. And as operations team leader, I think you said
17 you were responsible for second and third -- why
18 don't we do this.

19 What are the shifts, or at least at the time in
20 2018 and 2019, what were the shifts at Schneider?

21 A. We ran three shifts in our office.

22 Q. What were the times of the shifts?

23 A. The actual start times varied a little bit.
24 But we will say 7:00 to 4:00, 3:00 to 11:00, and
25 11:00 to 8:00 a.m.

1 Q. And 7:00 to 4:00 was first shift?

2 A. Yes.

3 Q. 3:00 to 11:00 was second?

4 A. Yep.

5 Q. And then 11:00 to 8:00 was third?

6 A. Yes, ma'am.

7 Q. Who was operations team lead or was there
8 operations team lead responsible for first shift?

9 A. No.

10 Q. No. Do you know why?

11 A. The area planning managers and other support
12 folks and driver leaders reported to the operations
13 manager on first shift.

14 Q. Reported directly to operations manager. Do
15 you still work in Georgia?

16 A. Yes.

17 Q. And where are you located?

18 A. Fairburn.

19 Q. Can you tell me -- I'm going to ask you two
20 questions. What organizational structure of the
21 Fairburn location was in 2019 and what it is now.
22 So let me start with 2019.

23 A. So there was a ramp operations manager who had
24 the accountability over the entire southeast
25 intermodal operations. Two operations managers

1 reported to the ramp operations manager. Those two
2 operations managers split the accountability of the
3 different rail hubs in the southeast.

4 My team lead role reported to one of the OMs.
5 Then the second and third shifts' area planning
6 managers and the one driver leader on second shift
7 reported to me.

8 Q. Who in 2019 was the ramp operations manager?

9 A. Mary Ann Rose.

10 Q. And who were the two operations managers before
11 you got promoted?

12 A. Doug Horton and Rodney Dunn.

13 Q. Who did you report to?

14 A. Doug Horton.

15 Q. When you say southeast intermodal -- what did
16 you call it? Sorry.

17 A. So we have six different hubs in the southeast
18 that our office has accountability for.

19 Q. And what -- are they the same now as they were
20 in 2019?

21 A. Yes.

22 Q. And what are they?

23 A. Atlanta, Charlotte, Savannah, Jacksonville,
24 Winter Haven, Miami.

25 Q. Can you tell me what the organizational

1 structure is now.

2 A. So there is still a ramp operations -- the
3 title has changed since then, I believe. So it's
4 the director who has accountability over the entire
5 southeast. There are two operations managers that
6 report directly to that director role. And then all
7 of the area -- or all of the driver leaders and
8 support folks in our office report to the two
9 operations managers.

10 Q. So there is no team lead anymore?

11 A. No. And we no longer have area planning
12 managers in our office.

13 Q. Who were the area planning managers before
14 Ms. Geter was terminated? So she was one of them.

15 A. All of them in our office?

16 Q. Yeah. If you remember?

17 A. Desmond Seymour, Audriana Williams, Candace
18 Smith, Marshall Mock, Quincy Parker and Sara Kopf.

19 Q. How about Tiffany Parker?

20 A. Tiffany -- there is no Tiffany Parker that has
21 worked in our office.

22 Q. Tiffany -- is there any Tiffany in your office?

23 A. Yes. Tiffany Kitchens.

24 Q. And she's an area claim manager, right?

25 A. Yes.

1 Q. After Ms. Geter was terminated, was she
2 replaced?

3 A. Yes.

4 Q. And who was she replaced with?

5 A. Jalisa Simpson.

6 Q. What is Ms. Simpson's race, if you know?

7 A. She is black.

8 Q. And is Desmond Seymour still employed?

9 A. Yes, ma'am.

10 Q. What is his title now?

11 A. Senior operations specialist.

12 Q. And Audriana Williams is no longer employed,
13 right?

14 A. Correct.

15 Q. Do you know why she left?

16 A. She resigned, I believe, to spend more time
17 with her family.

18 Q. Was she replaced?

19 A. Yes.

20 Q. And who replaced her?

21 A. To fill her role we moved somebody from first
22 shift to third shift.

23 Q. And who was that?

24 A. Ryan Wheeler.

25 Q. And did anyone replace Ryan on first shift?

1 A. Yes.

2 Q. Who?

3 A. Joon Hyung.

4 Q. And Mr. Ryan -- or Mr. Wheeler is no longer
5 employed, right?

6 A. Correct.

7 Q. Did he quit or was he fired?

8 A. His role was eliminated.

9 Q. So he was not replaced when he left?

10 A. Correct.

11 Q. What is Mr. Wheeler's race?

12 A. He is black.

13 Q. Is Ms. Hyung still employed?

14 A. No.

15 Q. And why is she not employed?

16 A. The role was eliminated. I'm sorry. Joon was
17 a guy.

18 Q. Joon was a guy. Sorry. Bad assumption on my
19 part.

20 And Candace Smith left right before Ms. Geter
21 was terminated, right?

22 A. Correct.

23 Q. Was she fired?

24 A. Yes.

25 Q. Was she replaced?

1 A. I don't recall specifically.

2 Q. And Marshall, I think you said Mock, right? Is
3 he still employed?

4 A. No.

5 Q. And why did he leave, if you know?

6 A. He trans -- he got a new role within Schneider
7 and moved to a different office. And so after that
8 I'm unaware of any details or following him leaving
9 our office.

10 Q. Got it. Was he replaced at the time he left?

11 A. Yes.

12 Q. Who replaced him?

13 A. I can't recall to be certain.

14 Q. And Sara Kopf is still employed, right?

15 A. Correct.

16 Q. What's her title now?

17 A. Driver team leader.

18 Q. And is Tiffany Kitchens still employed?

19 A. Yes, ma'am.

20 Q. And what is her title?

21 A. Senior operations specialist.

22 Q. And some of the people -- I understand the
23 planning area managers were moved outside of Atlanta
24 and do dispatch for Atlanta from someplace else, am
25 I right?

1 A. That's correct.

2 Q. Where are they located?

3 A. Green Bay.

4 Q. That's the corporate office?

5 A. Yes, ma'am.

6 Q. At the time, do you remember when the area
7 planning managers were relocated to Green Bay?

8 A. End of first quarter, beginning of second
9 quarter last year.

10 Q. 2020?

11 A. Yes.

12 Q. And at the time, do you recall how many area
13 planning managers were employed at that time in
14 Fairburn?

15 A. Around ten.

16 Q. And if you know, how many were let go versus
17 being offered other positions?

18 MR. MILIANTI: Object to question.
19 Calls for speculation.

20 THE WITNESS: I'm sorry, Pete was
21 breaking up. I couldn't hear what --

22 BY MS. LEGARE

23 Q. He just got an objection on the record. You
24 can still answer.

25 A. Okay. Can you repeat the question, please.

1 Q. Yeah. So you've got ten area planning managers
2 when the area planning managers were -- when the
3 position was moved to Green Bay. Do you know how
4 many people were let go at that time?

5 MR. MILIANTI: Same objection.

6 THE WITNESS: Yeah, I don't know an
7 exact amount.

8 BY MS. LEGARE

9 Q. Tell me who the ten were. We've got Sara Kopf,
10 Quincy Parker, Tiffany Kitchens --

11 A. Cheryl Joseph. Can I write it on my --

12 Q. Sure.

13 A. Give me a second. I'll run through it.
14 Tiffany Kitchens, Cheryl Joseph, Joon, Austin
15 Ottinger, Robert Turner, Sara Kopf, Ryan Wheeler,
16 Cierra Geter, Audriana Williams were the APMs that
17 were in our office.

18 Q. And Cierra had already been terminated when
19 people were moved, right?

20 A. Yes.

21 Q. And Audriana had already quit?

22 A. Yes.

23 Q. Is Robert Turner still employed?

24 A. Yes.

25 Q. And what is his position?

1 A. Driver team leader.

2 Q. And what is his race?

3 A. White.

4 Q. And Ryan Wheeler, I think you said his position
5 was eliminated, right?

6 A. Yes.

7 Q. And he is black?

8 A. Yes.

9 Q. Austin Ottinger, is he still employed?

10 A. Yes.

11 Q. And what is his position?

12 A. Area planning manager.

13 Q. Did he move to Green Bay?

14 A. Yes, ma'am.

15 Q. He actually physically moved?

16 A. Mm-hm.

17 Q. And I think you said Joon Hyung, the position
18 was eliminated?

19 A. Yes.

20 Q. And what is Mr. Hyung's race?

21 A. Asian.

22 Q. What is Mr. Ottinger's race?

23 A. It's white.

24 Q. And is Cheryl Joseph still employed?

25 A. No.

1 Q. Was her position eliminated when the APMs were
2 moved?

3 A. Yes.

4 Q. And what is her race?

5 A. Black.

6 Q. And Ms. Kitchens is still employed and her race
7 is white, right?

8 A. Yes.

9 Q. And is Quincy Parker still employed? I think
10 you said yes, right?

11 A. No.

12 Q. No. Was his position eliminated or had he
13 already left?

14 A. He was a driver team leader, not an area
15 planner.

16 Q. Oh, got you. And Sara Kopf is still there and
17 she is white, correct?

18 A. Yes.

19 Q. Do you know how it was decided whose positions
20 were eliminated versus who were moved into new
21 positions when the APM position was moved?

22 A. So the APMs were given the choice to relocate
23 to Green Bay.

24 Q. Well, some people were given different
25 positions too, right, like Ms. Kitchen, Ms. Kopf?

1 A. Yes.

2 Q. Can you tell me how that all came about -- were
3 you involved in the process of reassigning people to
4 different positions?

5 A. Yes. I was part of that process.

6 Q. And how were those decisions made at the time?

7 MR. MILIANTI: Object to the form.

8 BY MS. LEGARE

9 Q. You can answer.

10 A. Can you ask that differently.

11 Q. Yeah, sure. Were there only a certain number
12 of positions open in Fairburn to transfer people
13 into?

14 A. Yes.

15 Q. And how did you decide -- and I'm not
16 suggesting you made the decisions alone. But how
17 was it decided who would be given an operations
18 specialist position, for example, or driver team
19 lead position versus being asked to relocate to
20 Green Bay?

21 MR. MILIANTI: Object to form.

22 THE WITNESS: There was a lot of time
23 and effort that went into mixing those
24 decisions from our leadership group. And I'm
25 not sure that I can fully explain each -- there

1 is not a single criteria that would qualify
2 someone to remain with us or not.

3 BY MS. LEGARE

4 Q. Who was the leadership group that made the
5 decisions?

6 A. Myself, Rodney Dunn, Doug Horton, and Mary Ann
7 Rose.

8 Q. And was each person, were all of the current
9 area planning managers at the time the decisions
10 were made considered for the openings in Fairburn?

11 A. I'm sorry. Can you rephrase that.

12 Q. Yes. When you were considering who to offer
13 positions in Fairburn versus who to offer the
14 opportunity to move to Green Bay, did you consider
15 everyone?

16 A. Yes.

17 Q. For the open positions in Fairburn?

18 A. Yes.

19 Q. So if Ms. Geter had still been employed, she
20 would have been considered for the openings in
21 Fairburn; is that fair to say?

22 MR. MILIANTI: Objection. Calls for
23 speculation.

24 BY MS. LEGARE

25 Q. You can answer the question.

1 MR. MILIANTI: Incomplete

2 hypothetical.

3 BY MS. LEGARE

4 Q. If Ms. Geter was still employed as an area
5 planning manager at the time the area planning
6 managers were moved to Green Bay, since all the area
7 planning managers were considered for the open
8 positions in Fairburn, would Ms. Geter also have
9 been considered for one of the open positions in
10 Fairburn?

11 MR. MILIANTI: Same objection.

12 BY MS. LEGARE

13 Q. You can answer.

14 A. Yes.

15 Q. And did the movement of the area planning
16 managers to Green Bay happen before or after COVID
17 hit?

18 A. I was notified of the changes in the beginning
19 of February. So my understanding is that it was in
20 the works. Our office did not actually make that
21 transition until mid-April.

22 Q. At any point during the pandemic, have you been
23 working remotely?

24 A. Yes.

25 Q. When did you start working remotely?

1 A. I can't be sure of an exact date. It was
2 towards the end of March or beginning of April of
3 2020.

4 Q. And are you still working remotely?

5 A. Not on a regular basis, no.

6 Q. Do you work remotely from time to time?

7 A. Yes.

8 Q. How often would you say you work remotely?

9 A. I'm not sure I would be able to put a number on
10 it.

11 Q. Would you say that you work remotely every
12 month?

13 A. Yes.

14 Q. Would you say that you work remotely every
15 week?

16 A. No.

17 Q. And did everyone in the Fairburn office -- I
18 mean, obviously not the drivers, but did everyone in
19 the Fairburn office go remote during the pandemic?

20 MR. MILIANTI: Object to form. Calls
21 for speculation.

22 BY MS. LEGARE

23 Q. Let me ask it this way so it is not speculative
24 at all. So you report to who?

25 A. Mary Ann Rose.

1 Q. And did Ms. Rose work remotely at all during
2 the pandemic?

3 A. Yes.

4 Q. Did she work remotely full time for a period of
5 time during the pandemic?

6 A. Yes.

7 Q. Has she returned to the Fairburn office or is
8 she still working full time remotely?

9 A. She is not working full time remotely.

10 Q. Does she still work remotely from time to time?

11 A. Yes.

12 Q. And is Doug Horton still at the Fairburn
13 location?

14 A. No, ma'am.

15 Q. Where is he now?

16 A. He accepted another role, I believe it was in
17 the second quarter of 2020.

18 Q. Has he left Schneider altogether?

19 A. No. He is still with the organization.

20 Q. Do you know where he works out of?

21 A. I can't say for sure.

22 Q. So the current organization is Mary Ann Rose,
23 you, and did you say Rodney Dunn?

24 A. Yes.

25 Q. What is Mr. Dunn's race?

1 A. White.

2 Q. And he is your peer, correct?

3 A. Correct.

4 Q. And do you know if he worked full time remotely
5 at all during the pandemic?

6 A. He did.

7 Q. And has he returned to the office?

8 A. He's not working full time from home.

9 Q. He is working part time from home?

10 MR. MILIANTI: Objection to form.

11 Calls for speculation.

12 BY MS. LEGARE

13 Q. Like, when you go to the office, do you see him
14 there?

15 A. Sometimes.

16 Q. So would the assumption be that some of the
17 time he may be working from home and sometimes he
18 might be off?

19 MR. MILIANTI: Object to the form.

20 Calls for speculation. If you know.

21 THE WITNESS: I'm sorry, can you ask
22 it differently, please.

23 BY MS. LEGARE

24 Q. Yeah. If you don't see him there when you're
25 there --well, let me ask you this.

1 As operations managers, do both of you work for
2 a shift?

3 A. Yes.

4 Q. He's not there when you go in every time,
5 right?

6 A. Correct.

7 Q. Do you know if the times that he is not
8 there -- and if you don't know, that's fine --
9 whether he is taking a day off or whether he is
10 working remotely?

11 A. I'm sorry. Can you ask that differently.

12 Q. Yeah. I mean, if you're there and he's not,
13 there are only two choices right? He is either
14 working remotely or he is off, right?

15 A. He could be traveling.

16 Q. Do you travel with your job?

17 A. My accountability is over Atlanta. So I'm on
18 site with my drivers. That's different depending
19 on -- it's not the same case for everybody.

20 Q. So Mr. Dunn may have some responsibility for
21 other hubs; is that what you're saying?

22 A. Yes.

23 Q. And he may travel to those hubs from time to
24 time?

25 A. Yes.

1 Q. Who reports to you now?

2 A. You would like a list of names?

3 Q. Well, let me ask you this. Does Tiffany
4 Kitchens report to you?

5 A. No, ma'am.

6 Q. Did Ms. Kitchens report to you when she was an
7 area planning manager?

8 A. No, ma'am.

9 Q. Is that because she was first shift?

10 A. Correct.

11 Q. So she reported directly to Doug Horton?

12 A. I can't say for sure if it was Rodney or Doug
13 at the time.

14 Q. And did Sara Kopf report to you when you were a
15 team lead? What shift did Ms. Kopf work?

16 A. Second.

17 Q. Does she report to you now?

18 A. Yes.

19 Q. And during the pandemic, did Ms. Kopf work
20 remotely for a period of time?

21 A. Yes.

22 Q. Is she currently working remotely at all?

23 A. Yes.

24 Q. Do you know how often?

25 A. It would be hard to say for sure.

1 Q. Let me ask you this. I haven't seen it. But
2 is there a work-from-home policy for Schneider, a
3 written one?

4 MR. MILIANTI: Object to the form of
5 the question.

6 THE WITNESS: Not that I'm aware.

7 BY MS. LEGARE

8 Q. Do the area planning managers in Green Bay
9 still work with the southeast hub?

10 A. Yes.

11 Q. So they are actually managing the southeast
12 hubs from Green Bay?

13 MR. MILIANTI: Object to the form of
14 the question.

15 THE WITNESS: Can you reword that
16 question, please.

17 BY MS. LEGARE

18 Q. Yeah. So if you know, and you may not, do they
19 have the same job description that they had when
20 they were working at Fairburn?

21 A. I can't be sure it's exactly the same.

22 Q. Do they still, if you know, have some of the
23 same job duties that they had when they were working
24 from Fairburn?

25 A. Our drivers are being dispatched from Green

1 Bay. It is difficult for me to say how that's --
2 how their role is different there than it was in our
3 office.

4 Q. And would it be fair to say that operations
5 specialists and/or driver team leads have taken over
6 some of the duties that were performed directly from
7 Fairburn that the APMs performed? Or are their jobs
8 completely different? And that's okay too.

9 A. I'm sorry, ask that again, please.

10 Q. Yeah. Were there any job duties that the APMs
11 performed while they were employed in Fairburn that
12 different employees currently employed in Fairburn
13 are now performing?

14 A. Yes.

15 Q. And what positions have taken over those
16 duties?

17 A. The operations specialists role and the driver
18 team lead role.

19 MS. LEGARE: Hey, Pete, I think on
20 that email you were never actually set up for
21 Exhibit Share. And that was the problem. So
22 you may have had a private chat and an email.
23 If we can take a five-minute break, you can try
24 and fix that.

25 MR. MILIANTI: Yeah, I think I'm good

1 to go.

2 MS. LEGARE: Can we take a
3 five-minute break anyway and then we'll come
4 back.

5 MR. MILIANTI: Sure.

6 - - -

7 (Proceeding in recess from 11:02 a.m.
8 until 11:08 a.m.)

9 - - -

10 BY MS. LEGARE

11 Q. Do you know how many employees Schneider
12 currently has approximately?

13 A. I do not.

14 Q. And as part of -- well, at any time during your
15 employment with Schneider, have you had any training
16 on the Family and Medical Leave Act?

17 A. Not that I remember, no.

18 Q. Have you had any training on the Americans with
19 Disabilities Act?

20 A. Not that I remember, no.

21 Q. And have you had any training on federal
22 employment discrimination laws like Title VII?

23 A. Not that I remember, no.

24 Q. Are you aware of any employees in Fairburn who
25 are currently working part time?

1 A. No.

2 Q. All right. If you can pull up Exhibit Share,
3 let's get started and let's look at Exhibit 4.

4 A. I have got it up.

5 - - -

6 (Whereupon, Exhibit 4 was marked for
7 identification.)

8 - - -

9 BY MS. LEGARE

10 Q. Have you seen Exhibit 4 before, Mr. Torrence?

11 A. Yes.

12 Q. And what is Exhibit 4?

13 A. It looks like the APM job description last
14 updated in 2017.

15 Q. Do you know if there are any other versions of
16 the job description or more current versions of the
17 job description?

18 A. I wouldn't be able to say for sure.

19 Q. This version of the job description was
20 produced by Schneider. Do you know, sitting here
21 today, if this was the version that was in effect
22 when Ms. Geter was an area planning manager?

23 A. The date would lead me to believe so. But
24 again, I'm not sure if there was anything more
25 current than this.

1 Q. Fair enough. Were employees provided copies of
2 their job description during their employment?

3 MR. MELLON: Object to the form of
4 the question. Calls for speculation.

5 BY MS. LEGARE

6 Q. Let me ask you this way. You were an APM when
7 the position was changed from dispatch analyst to
8 area planning manager. Were you given copy of the
9 job description?

10 A. I can't remember for sure.

11 Q. Do you know where the job descriptions are
12 maintained at Fairburn? And that may be a stupid
13 question. Are these things maintained
14 electronically for the company?

15 A. Yes.

16 Q. And do all employees have access to the
17 electronic documents?

18 A. I believe so, yes.

19 Q. Do you know if this was the job description for
20 the position at the time that it was moved -- as the
21 position existed at Fairburn at the time that it was
22 transferred to Green Bay?

23 A. I would guess so based on the date. But I
24 can't be sure.

25 Q. No, that's fine. Can you tell me what, if any,

1 of those job duties are still being performed in
2 Fairburn? Let me step back.

3 I'm assuming you did not create this job
4 description, right?

5 A. Correct.

6 Q. Let's go through the essential job duties. And
7 if you can just tell me if anyone in Fairburn is
8 currently performing the duty. How does that work?
9 If you know?

10 A. Okay.

11 Q. You would establish the market plan to include
12 shift directions, priority of freight, load and
13 stage, driver calendar requests, et cetera.
14 Continually assess market conditions and performance
15 adjust plan accordingly.

16 Is that being performed in Fairburn currently?

17 A. No.

18 Q. The next one is B, Recognize expert in role,
19 provide expertise on new opportunities and
20 proactively identify potential solutions that
21 maximize overall value for Schneider.

22 And I'm assuming that means being a recognized
23 expert in the APM role. So I would assume that is
24 not being performed in Fairburn right now?

25 A. Correct.

1 Q. Assign freight to drivers in accordance with
2 the market plan to maximize all aspects of the value
3 triangle.

4 Is that being performed in Fairburn right now?

5 A. No.

6 Q. And actually, why don't you just read through
7 these and tell me if any of these are being
8 performed in Fairburn right now.

9 A. So I think I'm having a difficult time
10 understanding what you're asking for.

11 Q. The only thing I'm really asking is if any of
12 these job duties are currently being performed out
13 of Fairburn?

14 A. So I'll say assigning trailers for dispatch is
15 a yes. Collaborating to successfully onboard new
16 customers would be a yes. Intimate understanding of
17 customers' unique needs would be a yes. I think
18 this description is not an exhaustive or
19 comprehensive list of all job responsibilities,
20 tasks and duties would be a yes.

21 Q. Well, that's for everyone, right?

22 A. And then the same with the other duties and
23 responsibilities may be assigned.

24 Q. Let me ask you this. Who is performing the
25 assigning trailers for dispatch function now in

1 Fairburn?

2 A. The SOS and the details.

3 Q. So senior operations specialists and driving
4 planning?

5 A. Driver planning.

6 Q. And what about collaborating to onboard new
7 customers?

8 A. Same. The SOS and the details.

9 Q. And that would also be true of intimate
10 understanding of customers' unique needs?

11 A. Yes.

12 Q. Do any of the senior operations specialists
13 work on third shift?

14 A. Yes.

15 Q. Who is that?

16 A. Desmond Seymour and Lancelot Lewis.

17 Q. Do they work the same shifts? Actually better
18 question. You are a 24/7 operation, right?

19 A. Yes.

20 Q. Is there any overlap in the days that
21 Mr. Seymour and Mr. Lewis work?

22 A. Yes.

23 Q. And do any of the driver team leads work third
24 shift?

25 A. No.

1 Q. So are there days where Mr. Seymour or
2 Mr. Lewis might be there alone?

3 A. Yes.

4 Q. And I don't want to waste a lot of your time.
5 So a lot of the documents I have are related to FMLA
6 requests and medical records requesting short term
7 disability. Did you see any of Ms. Geter's FMLA
8 requests, the actual request when she was taking
9 FMLA in the fall of 2018?

10 A. I can't remember for sure.

11 Q. And do you know if you saw any of her doctor's
12 documentation relating to her request for
13 accommodation in late 2018 and first quarter 2019?

14 A. You are asking about the actual documents that
15 the doctor provided?

16 Q. Correct.

17 A. I can't be sure.

18 Q. Okay. So let me go through these. If you will
19 click on Exhibit 8.

20 - - -

21 (Whereupon, Exhibit 8 was marked for
22 identification.)

23 - - -

24

25 THE WITNESS: I have got it up.

1 BY MS. LEGARE

2 Q. And can you tell me if you have seen that
3 before, Mr. Torrence.

4 A. I don't believe so.

5 Q. And maybe this will help. So if an employee
6 has FMLA in Fairburn, what is the process for a
7 request for family and medical leave activated?

8 A. We would ask them to contact our HR lead team.

9 Q. And is the HR lead team in Fairburn or are they
10 located outside of Fairburn?

11 A. Outside of Fairburn.

12 Q. Are they in Green Bay?

13 A. Yes.

14 Q. In 2019 were there any HR human resources
15 employees employed in Fairburn?

16 A. No.

17 Q. So is Ashley Jansen located in Green Bay?

18 A. Yes.

19 Q. If you'll look at Exhibit 10.

20 - - -

21 (Whereupon, Exhibit 10 was marked for
22 identification.)

23 - - -

24 THE WITNESS: I have got it up.

25

1 BY MS. LEGARE

2 Q. Can you tell me if you have ever seen this
3 document before, if you recall seeing this document
4 before?

5 A. I do not recall.

6 Q. If you look at what is marked as Exhibit 30.

7 - - -

8 (Whereupon, Exhibit 30 was marked for
9 identification.)

10 - - -

11 THE WITNESS: I've got it up.

12 BY MS. LEGARE

13 Q. If you take a minute to read that, I just have
14 a few questions.

15 A. Okay.

16 Q. Exhibit 30 appears to be an email from HR
17 administration to you dated October 26, 2018,
18 correct?

19 A. Yes, ma'am.

20 Q. And it looks like this email notifies you that
21 Ms. Geter has been approved for FMLA leave, right?

22 A. Yes.

23 Q. Is this typically how you would be notified
24 that an employee is approved for FMLA leave?

25 A. Yes.

1 Q. Let me ask you this and take a step back. At
2 some point in the fall of 2018, did you learn that
3 Ms. Geter needed to take FMLA leave?

4 A. Yes.

5 Q. Do you recall how you learned that she needed
6 to take FMLA leave?

7 A. I believe it was through this notification from
8 our lead team.

9 Q. Ms. Geter believes she spoke with you directly
10 about her mental health crisis in the fall of 2018.
11 Do you have any specific recollection of whether she
12 shared with you that she had been suicidal?

13 A. I don't believe that she shared that with me.

14 Q. And she believed that she shared with you that
15 she suffered from PTSD. Do you have any
16 recollection of whether she shared that with you?

17 A. No, ma'am.

18 Q. I mean, does that mean it didn't happen or you
19 just don't recall it happening?

20 A. I'm sorry, ask that again, please.

21 Q. Sure. No problem. When you say you don't --
22 is it possible she shared with you that she had PTSD
23 and you just don't remember? Or are you saying that
24 it didn't happen?

25 A. I don't believe she shared that with me in the

1 fall of 2018.

2 Q. Do you think that she shared that with you at
3 any point in time?

4 MR. MILIANTI: Travis --

5 THE WITNESS: Yeah. The dogs are
6 acting up.

7 MS. LEGARE: That's okay. I've got
8 them. I understand.

9 THE WITNESS: All right. Sorry.
10 What was the question?

11 BY MS. LEGARE

12 Q. Yeah. The question is, do you recall at any
13 point in time whether Ms. Geter shared with you that
14 she had been suicidal?

15 A. Yes.

16 Q. But you don't remember when she shared that
17 with you?

18 A. I believe it was after she returned from her
19 FMLA leave in 2019.

20 Q. Okay. So she came back with accommodation on
21 or around January 1 or January 2nd of 2019, right?

22 A. Yes.

23 Q. And you think she may have shared that with
24 you, the fact she had been suicidal after she
25 returned from FMLA leave?

1 A. Yes.

2 Q. And did she also share with you after she
3 returned from FMLA leave that she suffered from
4 PTSD?

5 A. No.

6 Q. Did she share with you after she -- well, let
7 me ask you this. Did she share with you that she
8 suffered from depression?

9 A. I don't believe she used those words.

10 Q. Do you recall what words she may have used?

11 A. I mean, she told me about the suicidal
12 thoughts. But to the best of my recollection, I
13 don't remember there being any -- being told any
14 circumstances around why that was.

15 Q. Do you recall whether she shared with you that
16 she had been attacked at some point when she was
17 working for another company?

18 A. I don't believe so.

19 Q. Did she share with you her fear of working
20 alone on third shift?

21 A. When?

22 Q. Well, I understand she raised some issues about
23 safety earlier before she went out on leave. Did
24 she raise any safety issues after she returned from
25 leave?

1 A. No.

2 Q. But you did understand, did you not, that she
3 was still -- one of the reasons she needed
4 accommodation was that she was still in treatment?

5 MR. MILIANTI: Object to the form of
6 the question.

7 THE WITNESS: Can you ask that
8 differently, please.

9 BY MS. LEGARE

10 Q. When she returned from leave, from FMLA leave,
11 Ms. Geter was not released to return to work four
12 days a week, right?

13 A. Right.

14 Q. And that was because she was still in therapy?

15 MR. MILIANTI: Object to the form of
16 the question. Calls for speculation. If you
17 know.

18 BY MS. LEGARE

19 Q. Well, let me ask it this way. What did she
20 tell you about why she couldn't work full time?

21 A. She said that she could not work Sunday nights
22 because she had doctors' appointments on Monday.

23 Q. Let's look at Exhibit 15.

24 - - -

25 (Whereupon, Exhibit 15 was marked for

1 identification.)

2 - - -

3 MS. LEGARE: And, Pete, just so that
4 you know, I used the same exhibit numbers that
5 you used for the documents that you used in
6 Cierra's deposition.

7 MR. MILIANTI: Great. Thank you.

8 MS. LEGARE: And I started later with
9 new documents at Exhibit 30.

10 MR. MILIANTI: Understood.

11 THE WITNESS: I have got Exhibit 15
12 up.

13 BY MS. LEGARE

14 Q. Can you tell me if you have seen that document
15 before.

16 A. I don't believe that I have.

17 Q. Okay. But you understood when Ms. Geter
18 returned to work in January that, at least
19 temporarily, she was approved to work part time?

20 A. Yes.

21 Q. And was a typical APM work week four days?

22 A. No.

23 Q. For second and third shift, was it four days?

24 A. No.

25 Q. How is it that Ms.~Geter prior to going on

1 leave had a schedule of four ten-hour days? Was it
2 just third shift?

3 A. It was just Cierra.

4 Q. It was just Cierra. Tell me how that happened.

5 A. Her schedule was a bit untraditional. So she
6 got split off days. And there wasn't at the time a
7 great need for someone on third shift on Saturday.
8 So kind of to off balance the split off days, that
9 schedule was created as a four-day schedule to make
10 it a little more desirable of a schedule.

11 Q. Okay. But that -- I don't think what you're
12 telling me is that was specifically done for Cierra,
13 right?

14 A. No.

15 Q. When she was replaced after she left, did that
16 person also work the four-day workweek?

17 A. No.

18 Q. No. So was that four-day, four ten-hour day
19 workweek eliminated once Ms. Geter was no longer
20 employed?

21 A. Yes.

22 Q. And then, so was it five days at that point?

23 A. Yes.

24 Q. And, for example, if you have Desmond Seymour
25 and Lancelot Lewis each working five days because

1 there are seven days in a week, they overlap certain
2 days, right?

3 A. Yes.

4 Q. And they, I assume, don't have the same off
5 days; is that right? That was a weird question. Do
6 they have the same days off?

7 A. Lance and Desmond, the same as each other?

8 Q. Yes, as each other.

9 A. No.

10 Q. And what is Desmond's current schedule? I know
11 it changed from time to time.

12 A. He works a consistent schedule that has changed
13 over the years that he has been with us.

14 Q. Currently, what is Mr. Seymour's schedule?

15 A. Sunday through Thursday.

16 Q. And currently what is Mr. Lewis' schedule?

17 A. Thursday through Monday.

18 Q. Is there a process that an employee normally
19 goes through if they need an accommodation, a
20 reasonable accommodation based on a disability?

21 A. We would ask them to contact the HR lead time.

22 Q. So that also at least initiates with the HR
23 lead team?

24 A. Correct.

25 Q. And I understand in this case that decisions

1 about whether an employee could be reasonably
2 accommodated were made by you and Ms. Rose in
3 consultation with Ms. Jansen who works in human
4 resources, right?

5 A. Yes.

6 Q. Can human resources tell you what to do? Or
7 can they only advise you what to do as a manager in
8 Fairburn?

9 MR. MILIANTI: Object to the form of
10 the question.

11 BY MS. LEGARE

12 Q. I'll be more specific. In this case I think
13 the decision to accommodate was made by you and
14 Ms. Rose in conjunction with Ms. Jansen, right?

15 A. Right.

16 Q. And then the decision to no longer accommodate
17 Ms. Geter was also made by you and Ms. Rose in
18 consultation with Ms. Jansen, right?

19 A. Correct.

20 Q. Was there a policy that you all consulted in
21 determining whether to make an accommodation for
22 Ms. Geter?

23 MR. MILIANTI: Object to the form.

24 THE WITNESS: I don't know that I
25 understand the question.

1 BY MS. LEGARE

2 Q. Sure. Do you know if the company has a policy
3 relating to reasonable accommodations under the ADA?

4 A. I'm not sure.

5 Q. If you will look at Exhibit 22.

6 - - -

7 (Whereupon, Exhibit 22 was marked for
8 identification.)

9 - - -

10 THE WITNESS: I have got it up.

11 BY MS. LEGARE

12 Q. Okay. Have you seen this document before,
13 Mr. Torrence?

14 A. I believe so, yes.

15 Q. And is it fair to say that Ms. Geter was out on
16 leave continuously from October 9, 2018 to
17 January 1, 2019?

18 A. Yes.

19 Q. Do you know one way or the other if at the time
20 of her termination, if she had any FMLA leave
21 available to her?

22 A. My understanding of FMLA is that it's 12 weeks
23 within a rolling 12-month period. So I do not
24 believe she had FMLA at the time of her termination.

25 Q. But rolling -- and you mean --

1 MS. LEGARE: And I know you're going
2 to object, Pete.

3 BY MS. LEGARE

4 Q. -- but rolling means it accumulates basically
5 per pay period, right?

6 MR. MILIANTI: Object to the form of
7 the question. Calls for speculation.

8 THE WITNESS: I couldn't be sure.

9 BY MS. LEGARE

10 Q. And who would have answer to that, the HR lead
11 administration?

12 A. The HR lead team, yes.

13 Q. And according to this on December 18, 2019,
14 Schneider approved Ms. Geter for a partial return to
15 work working three days per week through February 13
16 2019, right?

17 A. Correct.

18 Q. And is that your recollection of the initial
19 accommodation?

20 A. Yes.

21 Q. And then on January 1, 2019, Ms. Geter was
22 approved for an extension of her accommodations
23 through March 19, 2019, right?

24 A. I think you just said January 1. But on
25 January 21 --

1 Q. January 21. I'm sorry, if I did, I apologize.

2 A. I don't know if it was the Zoom or --

3 Q. No. I'm sorry.

4 A. January 21, an extension through the 19th of
5 March.

6 Q. And Ms. Geter's physician then requested that
7 her accommodation be extended to June 5, 2019,
8 right?

9 A. Yes.

10 Q. And at that point, you and Ms. Rose in
11 consultation with Ms. Jansen determined that
12 Ms. Geter could no longer be terminated, right?

13 A. Correct.

14 Q. Can you tell me how that all happened.

15 A. From my perspective, at that point we've been
16 accommodating for, you know, over three months at
17 that point, which is taxing on myself, the rest of
18 our team, our drivers, and continuing to extend that
19 over and over again without there being a clear end
20 date. I just didn't believe that it was reasonable
21 to continue to accommodate that at that point.

22 Q. But there was a clear end date given to you by
23 the doctor, right, June 5, 2019?

24 MR. MILIANTI: Object to the form of
25 the question. And calls for speculation.

1 BY MS. LEGARE

2 Q. Well, based on this letter, the physician
3 indicated that she would be able to return to work
4 on June 5, 2019, right?

5 A. I'm reading it.

6 MR. MILIANTI: Go ahead, Travis.

7 THE WITNESS: I'm reading it as may
8 be able to return to it full time. Which again
9 is unclear in my mind. And especially after
10 we've already approved incremental additional
11 accommodations up to that point.

12 BY MS. LEGARE

13 Q. What do you mean by "incremental additional
14 accommodations"?

15 A. We approved it through February 13. Then again
16 through March 19. Then again through 4/12.

17 Q. I just want to make sure I understand what you
18 were saying. Who -- who was the other employee on
19 third shift at the time? APM to be more specific.

20 A. Desmond Seymour and Audriana Williams.

21 Q. So you had three people working third shift at
22 the time?

23 A. Yes.

24 Q. And was anyone covering the fourth day that
25 Ms. Geter was not working?

1 A. Typically myself.

2 Q. So you were working third shift one day a week?

3 A. Yes.

4 Q. And what day was that?

5 A. Sunday nights.

6 Q. And were you working from the office Sunday
7 nights or were you working remotely?

8 A. I can't remember a time that I specifically
9 worked from home on one of those Sunday nights.

10 Q. Is there any documentation that would show when
11 people were working remotely or when they were
12 working in the office?

13 A. Not that I'm aware of.

14 Q. What was your typical schedule when Ms. Geter
15 was not being accommodated? Actually, let me ask
16 this a different way. Before she went on medical
17 leave in October of 2018, did you ever work third
18 shift?

19 A. I spent time on third shift. I did not act as
20 the only APM in the office prior to that.

21 Q. You supervised third shift, right?

22 A. Correct.

23 Q. So were you -- well, let me ask you this. Did
24 you work alone on Sunday nights as the APM when
25 Ms. Geter was out?

1 A. Yes.

2 Q. So Ms. Williams and Mr. Seymour didn't work on
3 Sunday nights?

4 A. No.

5 Q. Why not?

6 A. I would have to go back -- I don't remember
7 specifically what schedule Desmond or Audrey was in
8 at that time.

9 Q. But you know for sure they weren't working
10 Sunday nights?

11 A. Yes.

12 Q. Let me ask you this. Did anyone ever offer
13 during this accommodation process to transfer
14 Ms. Geter to first or second shift as an
15 accommodation for her disability?

16 A. I don't recall specifically.

17 Q. And what shift did Candace Smith work?

18 A. Second shift.

19 Q. And did you and Ms. Rose have any meetings
20 regarding Ms. Geter's final request for
21 accommodation when that was extended to June 5,
22 2019?

23 A. Yes, I believe we did.

24 Q. Do you know approximately how many times you
25 met about the accommodation issue?

1 A. It would be hard for me to say for sure at this
2 point.

3 Q. Was it your decision alone not to accommodate
4 Ms. Geter? Or was it you and Ms. Rose? Or was it
5 Ms. Rose with your input? I'm just asking how it
6 happened.

7 A. I would say we came to an agreement together
8 along with Ashley's consultation.

9 Q. Did you talk about what other ways you might
10 have been able to accommodate Ms. Geter besides
11 working three days a week until June 5?

12 A. Yes.

13 Q. What other options did you talk about?

14 A. I believe we discussed changing the day of
15 week, if she was able to move back into a full-time
16 schedule. I believe we also considered a five-day
17 schedule, both of those being full time but changing
18 the days of the week.

19 Q. And when you say "changing the days of the
20 week," was one possibility to make sure that she
21 never had to work alone on third shift?

22 A. I don't believe that was a consideration at the
23 time. My understanding was that she could not work
24 Sunday nights because of her appointments on Monday.

25 Q. And the other you said was possibility of

1 moving her to five-day-a-week schedule?

2 A. Yes.

3 Q. And were either of these -- and I think that
4 was a yes, right?

5 A. Yes.

6 Q. -- and were either of those options presented
7 to Ms. Geter? Maybe a better question is were
8 either of those options discussed with Ms. Geter by
9 you?

10 A. I can't remember for sure.

11 Q. At any point did you tell Ms. Geter that it was
12 okay for her to work from home because everyone did
13 it?

14 A. Are you asking if those are my exact words?

15 Q. Well, or something to that effect.

16 A. It's possible. When there has been a request
17 to work from home for any associate that has been on
18 my team or even in our office on a short-term basis
19 because something has, you know, popped up or
20 whether it's weather or a family issue at home,
21 we've accommodated that on a short-term basis.

22 Q. I think you said Tiffany Kitchens did not
23 report to you, right?

24 A. Correct.

25 Q. Were you aware that Ms. Kitchens had been

1 working, at the time Ms. Geter was terminated, had
2 been working a reduced schedule and been permitted
3 to work from home since August 2018?

4 MR. MELLON: Object to form of
5 question. Assumes facts not in evidence.

6 BY MS. LEGARE

7 Q. You can answer.

8 A. I couldn't say for sure.

9 Q. When you were the operation team lead for
10 second and third shift, what was your schedule?

11 A. It varied based on the needs of the team and
12 the business.

13 Q. How often sort of routinely would you work at
14 least part of third shift?

15 A. Weekly.

16 Q. And did you sometimes do that remotely?

17 A. It's hard to say for sure if any of those were
18 during third shift.

19 Q. But you sometimes worked from home, even in
20 2018, right?

21 A. Yes.

22 Q. And 2019?

23 A. Yes.

24 Q. And you said Sara Kopf reported to you, right?

25 A. Yes.

1 Q. And she sometimes worked from home, right?

2 MR. MILIANTI: Object to the form of
3 the question.

4 BY MS. LEGARE

5 Q. In 2018?

6 A. I believe so.

7 Q. Do you know one way or the other whether the
8 area planning managers in Green Bay are working from
9 the office or working remotely right now?

10 A. I couldn't say for sure.

11 Q. Do you know who would know the answer to that
12 question?

13 A. I couldn't say for sure.

14 Q. Do you recall one way or the other whether you
15 personally were out of the office for over 80 days
16 between May and December 2018?

17 MR. MILIANTI: Object to the form of
18 the question.

19 THE WITNESS: Can you ask this
20 differently.

21 BY MS. LEGARE

22 Q. Yes. If Ms. Geter says you were out of the
23 office somewhere between 85 and 87 days between May
24 and December of 2018, is she right about that?

25 A. That sounds like an awfully high number. I

1 don't believe that's accurate.

2 Q. But you said there is no paperwork that shows
3 when you worked remotely or when you worked in the
4 office, right?

5 A. There is nothing that I document.

6 Q. Is there anything that anyone documents when
7 they work remotely?

8 MR. MILIANTI: Object to the form of
9 the question. Calls for speculation.

10 BY MS. LEGARE

11 Q. That you know of?

12 A. Not that I'm aware of.

13 Q. So there is nothing that I could look at that
14 Schneider in Fairburn has showing, for example,
15 which days Ms. Kopf may have been working remotely,
16 for example?

17 A. Not that I'm aware of.

18 Q. If you will look at Exhibit 31.

19 - - -

20 (Whereupon, Exhibit 31 was marked for
21 identification.)

22 - - -

23 BY MS. LEGARE

24 Q. I can probably run through most of these pretty
25 quickly.

1 A. I have got it up.

2 Q. And this looks like this is an email from
3 Ms. Jansen to you on December 17, 2018, right?

4 A. Yes.

5 Q. It says, "Hello, Travis. You can call her and
6 let her know the lead team will be calling her. And
7 you also want to let her know you can accommodate
8 her return to work for the three days. And here are
9 the three days she would be working. You will be in
10 touch with her once the return to work info has been
11 processed."

12 Right?

13 A. Yes.

14 Q. So you were communicating and Ms. Jansen told
15 you you could communicate with Ms. Geter about what
16 her schedule would be when she returned to work,
17 right?

18 A. Correct.

19 Q. And the only issue she had with working third
20 shift on Sundays was that she had doctors'
21 appointments on Monday morning; is that right?

22 A. Right.

23 Q. At any point did you ask her to move her
24 doctors' appointments to a different day?

25 A. She understood that there was a need for her to

1 work Sunday nights. I don't believe that I asked
2 her to move her doctors' appointments.

3 Q. Okay. Tell me what you remember about the
4 conversation.

5 A. I'm not sure how much more detail I can provide
6 from a conversation that long ago.

7 Q. Okay. If you look at Exhibit 32.

8 - - -

9 (Whereupon, Exhibit 32 was marked for
10 identification.)

11 - - -

12 THE WITNESS: I have got it up.

13 BY MS. LEGARE

14 Q. So it looks like this is an email again from
15 Ms. Jansen to you on January 21, 2019 and she cc'd
16 Mr. Horton because they had refused a request to
17 continue three days a week through 3/19/2019, right?

18 A. Yes.

19 Q. I have a couple questions about this. One is
20 she said something about light duty three days a
21 week. Do you have any idea what "light duty" means
22 in respect to this issue?

23 MR. MILIANTI: Object to the form.

24 BY MS. LEGARE

25 Q. Let me ask you this. Was Ms. Geter working

1 light duty? I mean, did she have a lifting
2 restriction or anything like that?

3 A. No, not that I was aware of.

4 Q. And do you know if the company has a light duty
5 policy?

6 A. That's a question I would defer to the lead
7 team.

8 Q. No problem. And Mr. Horton was cc'd on this
9 email. Was he involved at all -- he was your
10 supervisor at the time, right?

11 A. Correct.

12 Q. Was he involved at all in the decisions of
13 whether or not to accommodate Ms. Geter?

14 A. I can't remember for sure.

15 MR. MILIANTI: Cheryl, can we take a
16 break when it is convenient for you?

17 MS. LEGARE: Sure. Let's go for it.
18 How long do you need?

19 MR. MELLON: Why don't we take a
20 ten-minute if that's okay.

21 MS. LEGARE: Yeah. No problem.

22 - - -

23 (Proceeding in recess from 12:17 p.m.
24 until 12:29 p.m.)

25 - - -

1 BY MS. LEGARE

2 Q. Mr. Torrence, at some point Ms.~Geter filed a
3 charge of discrimination with the EEOC and Schneider
4 responded. Were you involved at all in preparing
5 Schneider's response?

6 A. No, ma'am.

7 Q. Have you seen Schneider's response?

8 A. I don't believe so.

9 Q. Okay. If you will look at Exhibit 46.

10 - - -

11 (Whereupon, Exhibit 46 was marked for
12 identification.)

13 - - -

14 THE WITNESS: I've got it up.

15 BY MS. LEGARE

16 Q. And I do believe you assisted with this. These
17 are Schneider's answers to the interrogatories that
18 Ms. Geter propounded. So basically they are
19 questions Schneider answered. And you signed some
20 verification. Did you review this before you signed
21 the verification?

22 A. Yes. This looks familiar now.

23 Q. Okay. I just want to ask you a few questions.
24 But I think we've covered most of it. Let me ask
25 you that, though. You can't recall one way or the

1 other whether Doug Horton was involved in any of the
2 conversations regarding Ms. Geter's accommodations;
3 is that fair to say?

4 A. Correct.

5 Q. As her supervisor, is it likely you would have
6 been involved in the discussions?

7 MR. MILIANTI: Object to the form.

8 THE WITNESS: I just can't say for
9 sure.

10 BY MS. LEGARE

11 Q. Okay. No problem. I think we have already
12 covered this. Question five was, "Who participated,
13 reviewed, approved or was otherwise involved in the
14 decision to deny the request for reasonable
15 accommodation?"

16 And I think the answer is you along with
17 Ms. Rose considered the request and in consultation
18 with Ashley Jansen made the decision to deny the
19 request; correct?

20 A. Yes.

21 Q. And that's also true with respect to the
22 termination of Ms. Geter's employment?

23 A. Yes.

24 Q. Have you, during your employment with Schneider
25 had any employees who reported to you other than

1 Ms. Geter had any request for reasonable
2 accommodation granted or denied?

3 MR. MILIANTI: Object to the form of
4 the question.

5 BY MS. LEGARE

6 Q. You can answer.

7 A. Can you ask that again.

8 Q. Sure. And I'm only asking about employees who
9 reported directly to you. During your employment
10 with Schneider when you were a supervisor, so after
11 you were promoted to team lead and any time
12 thereafter, has any employee who reported to you
13 other than Ms. Geter requested an accommodation for
14 disability?

15 A. No.

16 Q. Have any of the employees who reported to you,
17 the same time frame, once you were a supervisor,
18 taken FMLA leave?

19 A. Yes.

20 Q. How -- well, have any of the employees who
21 reported to you taken intermittent FMLA, meaning not
22 all at one time?

23 A. I can't say for sure.

24 Q. Other than Ms. Geter, have any of your
25 employees for any period of time worked a reduced

1 schedule? And I'm talking about people you
2 supervised.

3 A. No.

4 Q. Has any of the employees you supervised other
5 than Ms. Geter -- I understand that you allow people
6 to work remote from time to time, has anyone had to
7 work remote one or more days for an extended period
8 of time, not COVID related?

9 A. Can you ask that again.

10 Q. Yes. Have any of the employees who reported to
11 you -- and now I'm talking pre-pandemic time, had to
12 work from home for an extended period of time? I
13 guess, let me ask it two ways. Has anyone had to
14 work from home, anyone who reported to you, had to
15 work from home on a full-time basis for any period
16 of time?

17 A. No.

18 Q. Has anyone who worked for you had to work from
19 home at least once a week for any period of time?

20 A. No.

21 Q. And I don't think -- sitting here today, can
22 you tell me how often, for example, Ms. Kopf worked
23 from home in 2018?

24 A. I couldn't say for sure.

25 Q. Same for 2019?

1 A. Same.

2 Q. In your conversations with Ms. Jansen about
3 Ms. Geter's request for accommodation, did she ever
4 discuss with you whether it would be an undue burden
5 on Schneider to allow Ms. Geter to work reduced
6 hours until June 5, 2019?

7 MR. MILIANTI: Object to form of
8 question. Calls for legal conclusion.

9 BY MS. LEGARE

10 Q. You can answer.

11 A. I don't know that I understand the question.

12 Q. And it may be that only Ms. Jansen can answer
13 this question. But I mean, do you know whether any
14 analysis was done other than we don't know how much
15 longer this is going to go on?

16 MR. MILIANTI: I am going to object.
17 Travis, go ahead and answer if you
18 can.

19 THE WITNESS: I mean, myself and Mary
20 Ann and along with Ashley carefully considered
21 the request. I mean, it's something that I
22 thought about a lot during the end of Q4,
23 beginning of Q1 because of the burden it places
24 on myself, the rest of the team, the business
25 of her being out. And not being enough

1 full-time positions. I mean the --

2 BY MS. LEGARE

3 Q. Well, let me -- you raised a couple questions
4 here. When you were covering her shift as APM, was
5 that a part of your full-time duties or in addition
6 to your full-time duties?

7 A. In addition to.

8 Q. So were you being forced to work extra hours in
9 order to cover that shift?

10 MR. MILIANTI: Object to the form.

11 You can answer.

12 THE WITNESS: I guess I really don't
13 understand. Forced by who?

14 BY MS. LEGARE

15 Q. Well, how many -- when you were an operations
16 team lead and nobody was on FMLA, how many hours a
17 week were you working, approximately?

18 A. It's hard to say for sure and each week was
19 kind of different.

20 Q. And while Ms. Geter was on continuous FMLA from
21 October to December, who covered her shift?

22 A. The work was absorbed by the rest of the team
23 and myself.

24 Q. Were you actually working any of her shifts
25 while she was on FMLA?

1 A. Yes. On Sundays.

2 Q. And did Schneider at the time use contractors
3 or temporary employees to cover when other employees
4 were out?

5 MR. MILIANTI: Object to the form.

6 THE WITNESS: We have utilized
7 temporary associates in the past.

8 BY MS. LEGARE

9 Q. And did you use any temporary associates during
10 the fall of 2018 when Ms. Geter was on FMLA leave?

11 A. I can't remember for sure.

12 Q. Do you know who might know the answer to that
13 question?

14 A. I can't say for sure.

15 Q. Would there be documentation of the use of
16 temporary employees? Let me ask you this. Do you
17 use an agency for temporary employees?

18 A. Yes.

19 Q. What is that agency?

20 A. Kelly Services.

21 Q. And I'm assuming you pay Kelly Services when
22 you use the employees, right, temporary employees?
23 Not a trick question. I mean, the temporary
24 employees are paid, right?

25 A. Yes. I would not be the one that would arrange

1 that. So I'm not really sure how that's set up.

2 Q. Who arranged that, Ms. Rose?

3 A. No. I don't believe it would be her either.

4 Q. Who gives you permission to use temporary
5 associates?

6 A. I believe that would have to come from our VP.

7 Q. And who is that?

8 A. At the time, it was Max Peach.

9 Q. Is he in Green Bay?

10 A. Yes.

11 Q. So if you were down a number of employees -- or
12 actually, strike that.

13 If someone was going to be out for a long
14 extended period of time, could you request
15 permission to bring in a temp?

16 A. We could, yes.

17 Q. You just can't recall whether or not you did
18 when Ms. Geter was on leave in the fall of 2018?

19 A. I can't remember for sure.

20 Q. Do you know one way or the other whether you
21 had ever used temporary associates to fill in for
22 anyone in Fairburn on a part-time basis?

23 A. Sorry. Can you ask that differently.

24 Q. Yeah. Do you know if any of the temporary
25 associates that you have fill in for employees

1 worked less than five days a week?

2 MR. MILIANTI: Object to the form of
3 the question. Calls for speculation.

4 THE WITNESS: I can't say for sure.

5 MS. LEGARE: I think that's all I
6 have, Pete.

7 MR. MILIANTI: Okay. I have no
8 questions.

9 - - -

10 (Deposition concluded at 12:51 p.m.)

11 - - -

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1 The following reporter and firm
2 disclosures were presented at this proceeding for
3 review by counsel:

4 REPORTER DISCLOSURES

5 The following representation and
6 disclosures are made in compliance with Georgia Law,
7 more specifically:

8 Article 10(B) of the Rules and Regulations of the
9 Board of Court Reporting (disclosure forms)

10 OCGA 9-11-28(c) (disqualification of reporter for
11 financial interest)

12 OCGA 15-14-37(a) and (b) (prohibitions against
13 contracts except on a case-by-case basis).

14 - I am a certified reporter in the State of
15 Georgia.

16 - I am a subcontractor for Veritext Legal
17 Solutions.

18 - I have been assigned to make a complete and
19 accurate record of these proceedings.

20 - I have no relationship of interest in the matter
21 on which I am about to report which would disqualify
22 me from making a verbatim record or maintaining my
23 obligation of impartiality in compliance with the
24 Code of Professional Ethics.

25 - I have no direct contract with any party in this
action and my compensation is determined solely by
the terms of my subcontractor agreement.

FIRM DISCLOSURES

- Veritext Legal Solutions was contacted to provide
reporting services by the noticing or taking
attorney in this matter.

- There is no agreement in place that is prohibited
by OCGA 15-14-37(a) and (b). Any case-specific
discounts are automatically applied to all parties,
at such time as any party receives a discount.

1 Transcripts: The transcript of this proceeding as
2 produced will be a true, correct, and complete
3 record of the colloquies, questions, and answers as
4 submitted by the certified court reporter.

5 Exhibits: No changes will be made to the exhibits
6 as submitted by the reporter, attorneys, or
7 witnesses.

8 - Password-Protected Access: Transcripts and
9 exhibits relating to this proceeding will be
10 uploaded to a password-protected repository, to
11 which all ordering parties will have access.
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C E R T I F I C A T E

STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was taken down, as stated in the caption, and the colloquies, questions, and answers were reduced to typewriting under my direction; that the transcript is a true and correct record of the evidence given under said proceeding.

I further certify that I am not a relative or employee or attorney of any party, nor am I financially interested in the outcome of this action.

I have no relationship of interest in this matter which would disqualify me from maintaining my obligation of impartiality in compliance with the Code of Professional Ethics.

I have no direct contract with any party in this action and my compensation is based solely on the terms of my subcontractor agreement.

Nothing in the arrangements made for this proceeding impacts my absolute commitment to serve all parties as an impartial officer of the court.

This 6th day of April, 2021 .



JULIE C. WILSON, CRR, RPR
CCR # 5243-5949-0338-8160

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

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EXHIBIT C



Deposition of:
Ashley Marie Janssen

April 8, 2021

In the Matter of:
**Geter, Cierra v. Schneider National
Carriers Inc.**

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Geter, Cierra v. Schneider National Carriers Inc.

Page 1

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 CIERRA GETER,
5 Plaintiff,

6 vs. Civil Action File No.
7 1:20-cv-01148-SCJ-JSA
8 SCHNEIDER NATIONAL CARRIERS,
9 Defendant.

10 - - -

11 Deposition of ASHLEY MARIE JANSSEN,

12 Taken by Cheryl B. Legare,

13 Before Shannon E. Jordan,
14 Certified Court Reporter,
15 Via Veritext Virtual Videoconferencing,
16 On Thursday, April 8, 2021,
17 Beginning at 2:00 p.m. & ending at 3:08 p.m.

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INDEX TO PROCEEDINGS

EXAMINATION INDEX

ASHLEY MARIE JANSSEN

Examination by Ms. Legare 4

Certificate Page 49

Errata Sheet 51

EXHIBIT INDEX

Exhibit

Exhibit 4 Job Description, Manager, Area Planner 21

Exhibit 15 Request for Accommodation, 12-18-2018 25

Exhibit 16 Fax from Dr. Cassandra Wanzo, 1-19-2019 27

Exhibit 22 Request for Accommodation, 4-12-2019 43

Exhibit 31 Email string, 12-17-2018 29

Exhibit 32 Email string ending 1-21-2019 31

Exhibit 34 Email string ending 3-22-2019 32

Exhibit 35 Email, 3-25-2019 39

(End of Index)

1 April 8, 2021

2 2:00 p.m.

3 (Whereupon the reporter provided a written
4 disclosure to all counsel pursuant to
5 Article 10.B. of the Rules and Regulations
6 of the Board of Court Reporting.)

7 THE COURT REPORTER: Due to the need
8 for this deposition to take place remotely
9 because of the government's order for social
10 distancing, the parties will stipulate that the
11 court reporter may swear in the witness over
12 Veritext virtual videoconferencing and that the
13 witness has verified that she is, in fact, Ashley
14 Marie Janssen.

15 ASHLEY MARIE JANSSEN,

16 being first duly sworn, was examined and
17 testified as follows:

18 EXAMINATION

19 BY MS. LEGARE:

20 Q Good afternoon, Ms. Janssen. I'm
21 Cheryl Legare, and I represent Cierra Geter in
22 the lawsuit that she brought against Schneider
23 National Carriers in the Northern District of
24 Georgia, and that's why we're here today. You're
25 a witness in the case.

1 A Yep.

2 MS. LEGARE: So let's see. The
3 deposition is being taken pursuant to notice and
4 for all purposes under the Federal Rules of Civil
5 Procedure and evidence. And are we waiving
6 objections except as to form and privilege, Pete?

7 MR. MILIANTI: Yes.

8 MS. LEGARE: And did you want to read
9 and sign?

10 MR. MILIANTI: Yes.

11 BY MS. LEGARE:

12 Q Ms. Janssen, can you please state
13 your full name for the record?

14 A Ashley Marie Janssen.

15 Q And what is your current address?

16 A W2345, County Road Uu, Freedom,
17 Wisconsin 54913.

18 Q Great. And have you ever been
19 deposed before?

20 A No, I have not.

21 Q I'm sure Pete has told you how it's
22 going to go today. I'm just going to ask you
23 some questions, show you some documents related
24 to the case, that's essentially what will happen.

25 There's a few ground rules. Just

1 it's important in every deposition, but
2 particularly important in remote depositions that
3 we let each other finish our answers and
4 questions so we're not talking over each other.
5 Is that okay?

6 A Yes.

7 Q And it's important that you give
8 verbal answers to questions. All right?

9 A Yes.

10 Q And I don't think we'll be here more
11 than a couple of hours today, but if you need a
12 break, just let me know, I'm happy to take a
13 break. Okay?

14 A Yes.

15 Q What did you do to prepare for your
16 deposition today? And I don't want to know about
17 any conversations that you had where your lawyer
18 or any other lawyers from his firm were present.

19 A I met with Pete and we discussed how
20 the day was going to go.

21 Q Okay. Any conversations that you had
22 with Pete are privileged. Did you talk to any of
23 the other witnesses in the case without Pete
24 present?

25 A No.

1 Q Okay. Are you on any medications
2 that might affect your memory or make you sleepy?

3 A No.

4 Q And have you seen Ms. Geter's
5 deposition transcript?

6 A Yes.

7 Q Okay. Have you read the whole thing?

8 A I have only read the first couple of
9 pages.

10 Q And you actually don't know
11 Ms. Geter; right?

12 A No, I've never met her.

13 Q She said the same thing. I just
14 wanted to confirm. Let's see.

15 Are you still employed with
16 Schneider?

17 A Yes, I am.

18 Q And tell me your employment history
19 with Schneider?

20 A I started with Schneider in 2012. I
21 started as a corporate recruiter, and I did full
22 cycle recruiting for intermodal and other areas,
23 and also was the relationship partner for our
24 contingent staffing firm, Kelly Services, so over
25 many different temps, temps throughout the US as

1 well. I did that for two years.

2 Then I moved into an associate HR
3 business partner role. I did that for about four
4 years, worked specifically on human capital,
5 performance management, associate relations,
6 accommodations. I had about 3,000 plus
7 associates throughout the US and Canada that I
8 supported, but our total group had about 5,800
9 drivers and about 800 office associates that I
10 helped indirectly support.

11 And then in 2018 I took the role I'm
12 in today as a HR business partner senior, a
13 promotional role from --

14 (Audio distortion.)

15 THE COURT REPORTER: I'm sorry. The
16 audio cut. The last part I heard was, "a
17 promotional role from."

18 THE WITNESS: Took the HR business
19 partner senior role as a promotional role from
20 the associate HR business partner role or my
21 previous role.

22 BY MS. LEGARE:

23 Q And, Ms. Janssen, what are your job
24 duties in your current role?

25 A So I work with the team, I support

1 our senior vice president of intermodal, and
2 about 3,000, a little less than 3,000 office and
3 driver associates working through human capital,
4 head count management, organizational design,
5 staffing, associate relation concerns, any
6 investigations, associate accommodations, work
7 through some compensation and a little bit of
8 training development.

9 Q How many employees does, and I'm
10 talking about W-2 employees, does Schneider have
11 now?

12 MR. MILIANTI: Object to the form.
13 Calls for speculation. If you know.

14 THE WITNESS: I do not know the exact
15 number.

16 BY MS. LEGARE:

17 Q I mean, just based on the number that
18 you told me -- well, do you know, are the drivers
19 W-2 employees?

20 A Yes.

21 Q And I think you said in your last
22 role, not in this one, you had responsibilities
23 for, did you say, 5,800 drivers and 800 office
24 associates?

25 A That was our total line of business.

1 I directly supported a little over 3,000 office
2 and driver.

3 Q And that's currently also; right?

4 A Yep. Currently we have a little less
5 than 3,000 in intermodal in the line of business
6 I work in today of office and driver.

7 Q And when you say office, are you
8 referring to roles, for example, Ms. Geter's
9 former role of -- and now, I'm drawing a blank --
10 APM?

11 A Yes.

12 Q What does APM stand for?

13 A Area planning manager.

14 Q So in 2019 -- well, actually, who do
15 you report to now?

16 A I report to Laurie Smith, our human
17 resources director.

18 Q And before your promotion, who did
19 you report to?

20 A Jackie LeFever.

21 Q I think I have this timing right.
22 You were promoted before Ms. Geter's termination;
23 right?

24 A Yes.

25 Q Okay. Do you play any role with

1 respect to leave management?

2 MR. MILIANTI: Object to the form.

3 THE WITNESS: I am involved once
4 family medical leave has expired, but we have an
5 HR leave team that handles all of our leaves.

6 BY MS. LEGARE:

7 Q So is it fair to say that you become
8 involved once FMLA is expired and employees might
9 need accommodations under the Americans with
10 Disabilities Act?

11 A Correct.

12 Q All right. When is the first time,
13 understanding that you have never met Ms. Geter,
14 when is the first time that you became involved
15 with Ms. Geter's employment with Schneider?

16 A First time I was involved with her
17 was in January of 2019.

18 Q So would that have been related to
19 her first request for accommodation?

20 A Correct.

21 Q And what is your role with respect to
22 employee requests for accommodations?

23 A I specifically work with the leaders
24 to understand if we can accommodate the
25 associates.

1 Q Do you consider yourself a
2 decisionmaker with respect to whether an employee
3 can be accommodated?

4 A No.

5 Q Would it be fair to say that you
6 offer advisory services to the leaders with
7 respect to accommodations?

8 A Yes.

9 Q And what is the request for
10 accommodation process at Schneider?

11 MR. MILIANTI: Just object to the
12 form of the question.

13 BY MS. LEGARE:

14 Q You can answer.

15 A Once the accommodation -- once the
16 associate requests an accommodation, the human
17 resources leave team will inform the leaders and
18 the HR business partner, and then I will work
19 with the leaders on multiple questions I'll ask
20 them, to understand different forms or ways that
21 we could possibly accommodate the associate, and
22 we do that through a conversation.

23 And then once that's determined, the
24 leaders would go back to the leave team and let
25 them know if they can or cannot accommodate.

1 Q Do you or does anyone in the
2 accommodation process consult with any in-house
3 lawyers or outside lawyers with respect to what
4 the legal obligations are concerning a specific
5 accommodation?

6 MR. MILIANTI: I'm just going to
7 object to the form of the question. It's an
8 incomplete hypothetical.

9 MS. LEGARE: I'm not really sure how
10 it's incomplete, but let me see if I can make it
11 complete.

12 BY MS. LEGARE:

13 Q Once you receive a request for
14 accommodation from an employee and it's either
15 sent to you -- well, it's sent to you, let's say
16 in this case, by the leave management team, in
17 providing advice on the accommodation in
18 question, do you or the leaders or anyone that
19 you're aware of consult with an in-house legal
20 team or outside legal regarding the
21 accommodation?

22 MR. MILIANTI: Object to the form.
23 Go ahead and answer.

24 THE WITNESS: In some cases.

25 BY MS. LEGARE:

1 Q Okay. Do you recall sitting here
2 today whether, with respect to Ms. Geter, you
3 consulted with in-house legal or outside legal on
4 her accommodations?

5 A I do not recall.

6 Q And as HR business partner, do you
7 perform an undue burden analysis to determine
8 whether an accommodation can be made?

9 MR. MILIANTI: Object to the form of
10 the question. Legal conclusion as to undue
11 burden. You can answer if you understand the
12 question.

13 THE WITNESS: I don't understand the
14 question.

15 BY MS. LEGARE:

16 Q Well, under the ADA, if an employee
17 needs an accommodation, the only way it can be
18 rejected is if it's an undue burden on the
19 business and that analysis has to be done. Do
20 you know if that was done in this case?

21 MR. MILIANTI: Object to the form of
22 the question. Calls for legal conclusion and
23 misstates the ADA and the accommodation process.

24 MS. LEGARE: Not in the 11th Circuit
25 it doesn't, but go ahead.

1 BY MS. LEGARE:

2 Q You can answer to the extent you
3 know.

4 A I'm not aware.

5 Q And I think you said you have
6 discussions with the leaders about whether an
7 employee can be accommodated. Do you take notes
8 of the conversations with the leaders?

9 A I will take my own personal notes,
10 yes.

11 Q Do you know if you took any notes
12 during your conversations with Mr. Torrence or
13 Ms. Biskey Rose in this case?

14 A I don't have any in this case other
15 than whatever I had in an email chain back and
16 forth.

17 Q Do you know whether Schneider has a
18 remote work policy? And I'm talking about in
19 2019, not now. Obviously COVID has changed
20 everything.

21 A I don't recall 2019 if we did or not.

22 Q Do you currently have a
23 work-from-home policy?

24 A We currently have a flexible work
25 schedule policy.

1 Q And what is the policy now?

2 A I don't have it in front of me right
3 now.

4 Q Does that flexible work schedule
5 policy also include provisions for working less
6 than 40 hours a week?

7 A Yes.

8 Q But you don't know if that policy was
9 in effect in 2019?

10 A I do not.

11 Q In your role, and I'm going to
12 apologize, you said is it senior --

13 A Yep, human resources business
14 partner.

15 Q Okay. Do you play any role in
16 drafting job descriptions?

17 A I do. I do.

18 Q And what role do you play in drafting
19 job descriptions?

20 A We -- I review the job descriptions
21 for the ADA and type of job that it is.

22 Q When you say you review it for ADA,
23 what do you mean?

24 A I review it to ensure that the
25 essential functions of the job are something that

1 associates can do as well as what type of job it
2 is. If it's an office job, a driver job,
3 sometimes it has to have different qualifications
4 in it.

5 Q I understand. Got it. Do you assign
6 the essential functions in the job description?

7 A No, I do not.

8 Q Who does that, if you know?

9 A The leaders.

10 Q In your role I think you said you
11 have some training responsibilities?

12 A Yes.

13 Q What are those responsibilities?

14 A It is my job to ensure that the
15 leaders are educated on specific processes and
16 they know where to find policies and tools they
17 need to do their job.

18 Q When you say processes, what do you
19 mean exactly?

20 A An example is I teach and help
21 educate associates on where to find performance
22 review appraisals, how to put in goals,
23 objectives into our system, where to find
24 trainings that are coming up each month. I
25 assist senior leaders in new rollouts that we

1 have within the organization, and inform them if
2 processes or policies have changed.

3 Q Do you do any training for leaders on
4 FMLA or Schneider's FMLA policies?

5 A I do not.

6 Q Do you do any training for the
7 leaders on request for accommodation under the
8 Americans with Disabilities Act?

9 A I do not do specific training, no.

10 Q And I believe in 2020, somewhere in
11 the first or second quarter, the APMs that were
12 based out in the field were brought back to Green
13 Bay to work. Were you involved in that at all?

14 A Yes.

15 Q What was your role?

16 A My role was to partner with the
17 leaders to put together communication plans,
18 change management plans, timelines, understand
19 what other jobs are available for associates,
20 what options are available for associates as we
21 make that transition throughout the next six
22 months.

23 Q So it was a six-month process?

24 A Correct.

25 Q And I understand, I spoke with

1 Mr. Torrence a couple of days ago, and I
2 understand that at least with respect to
3 Fairburn, which is, you know, the relevant area
4 here, all of the APMs were considered for open
5 positions, and if they were not put in the open
6 positions, then they were offered transfers to
7 Green Bay.

8 Is that the process as far as you
9 understood it?

10 A Correct. They were actually offered
11 Green Bay roles first because that is the same
12 role they were doing. And then if they weren't
13 able to do that job or relocate, because we
14 wanted to keep them in their roles, then we would
15 offer them available roles within their location,
16 and if that wouldn't work, we would look at other
17 locations.

18 And if they weren't able to relocate
19 or there were no roles available in other
20 locations, yes, then we would work through a
21 separation package.

22 Q Were there people whose positions,
23 who were unable to be placed without relocation,
24 were they given severance packages?

25 A Correct.

1 Q Do you know whether there -- is there
2 a separate policy in place that dictated what the
3 amount paid in severance was?

4 A We have a process, we have a graph
5 that -- that we do have something we follow
6 consistently within the organization, but I don't
7 know any of those numbers off the top of my head.

8 Q Okay. Got it. Did you personally
9 play any role with the leaders in selecting
10 people for open positions in the locations,
11 meaning in Fairburn in this case?

12 A I did not in that case, no.

13 Q And currently are the area planning
14 managers employed by Schneider working from the
15 office in Green Bay or are they working remotely?

16 MR. MILIANTI: Object to the form of
17 the question. Calls for speculation. If you
18 know.

19 THE WITNESS: Due to the pandemic we
20 have some in office and some out of office, but
21 they will all be returning in office in the next
22 two months.

23 BY MS. LEGARE:

24 Q All right. Are you familiar with a
25 former area planning manager, she's now -- she

1 has a different position in Fairburn, named
2 Tiffany Kitchens.

3 A I know her name. I've never met her.

4 Q Were you involved in any part of her
5 work-from-home for Schneider?

6 A No.

7 MR. MILIANTI: Object to the form of
8 the question.

9 BY MS. LEGARE:

10 Q Did you say no?

11 A No.

12 Q And I'm going to get into more detail
13 on Ms. Geter's request for accommodation. In
14 Schneider's discovery responses, Schneider has
15 said that the decision was made by Travis
16 Torrence and Marianne Biskey Rose in consultation
17 with you.

18 Do you know if Doug Horton
19 participated in any of the conversations
20 regarding accommodations for Ms. Geter?

21 A I don't recall him in the email.

22 (Whereupon a document was identified as
23 Exhibit 4.)

24 BY MS. LEGARE:

25 Q All right. I think Lauren told you

1 how to use exhibit share, all you need to do is
2 go on the marked exhibit share and click on the
3 exhibit as I tell you number. If you will look
4 at Exhibit 4.

5 A Okay.

6 Q Are you familiar with Exhibit 4?

7 A Yes.

8 Q And what is Exhibit 4?

9 A The job description of the area
10 planning manager.

11 Q And I understand this is the job
12 description that was in effect when Ms. Geter was
13 employed.

14 Do you know if this job description
15 has changed since the area planning manager
16 position has been transferred to Green Bay?

17 A I believe so.

18 Q But this, as far as you know, is the
19 one that was in effect when you were assisting
20 with her request for accommodation; is that
21 right?

22 A This was the one in effect, correct.

23 Q If you'd take a minute to read
24 through that.

25 A Okay.

1 Q I understand you said you did not
2 draft this job description; right?

3 A Correct.

4 Q Is it also true that you did not
5 approve the job description?

6 A Correct.

7 Q Is there any way in looking at this
8 to tell who drafted this job description?

9 A No.

10 Q And do you know sitting here today
11 when it is that the area planning managers began
12 working from home because of the pandemic?

13 A Late March, April.

14 Q Sort of around the same time as
15 everyone; right?

16 A Yeah, 2020.

17 Q Have you been working from home
18 because of the pandemic?

19 A I have. I just recently came back in
20 the office in 2021.

21 Q When did you start coming back in?

22 A A couple of weeks end of 2020 and
23 then beginning January 2021.

24 Q And do you work from the office every
25 day?

1 A I will be at the end of April.

2 Q Right now how many days a week are
3 you working from the office?

4 A Four.

5 Q And one from home?

6 A Correct.

7 Q Do you know, and you may not, but do
8 you have any idea whether, when these job
9 descriptions are being drafted, whether the
10 people drafting them consult with the people
11 actually doing the jobs to see if these are the
12 jobs that they're doing?

13 MR. MILIANTI: Object to the form of
14 the question. Calls for speculation.

15 THE WITNESS: I can't confirm
16 conversations.

17 BY MS. LEGARE:

18 Q Do you know, I understand that you're
19 not part of leave management, at some point do
20 you -- are medical-related -- let's just talk
21 specifically in this instance.

22 The medical records with respect to
23 Ms. Geter's request for accommodation, were those
24 sent to you when she started requesting
25 accommodations or to somebody else?

1 A It was sent to the leave team.

2 Q To the leave team?

3 A (Nods head affirmatively.)

4 Q Does the leave team share them with
5 you?

6 A The leave team will share with me
7 what restrictions the associate has so we can
8 understand what we can accommodate.

9 Q Does the leave team share the
10 specific serious health condition or disability?

11 A No.

12 Q And I understand, and you did not
13 have any specific conversations with Ms. Geter
14 with respect to what her disability was or what
15 her accommodation needs were?

16 A No. I still do not know.

17 (Whereupon a document was identified as
18 Exhibit 15.)

19 BY MS. LEGARE:

20 Q Okay. If you'll look at Exhibit 15.

21 A Okay.

22 Q Would you have seen -- so Exhibit 15
23 looks to be a letter to Ms. Geter about her
24 request for accommodation, approving it through
25 February 13, 2019. Did you play any role in

1 drafting this letter?

2 A No.

3 Q Would you have seen this letter at
4 the time that it was sent to Ms. Geter?

5 A No.

6 Q In December of 2018 Ms. Geter
7 requested an accommodation. Do you recall that?

8 A I only got involved in January of
9 2019.

10 Q Okay. So you were not involved in
11 the initial approval for her request for
12 accommodations?

13 A The only thing that I recall is once
14 her FMLA expired, Travis had reached out to me to
15 ask if he could accommodate. I would have to
16 find the information to see if that was before
17 January or after January.

18 Q So you said Travis reached out to
19 you. What do you -- was that like by telephone
20 or by email?

21 A Typically we do telephone or email.

22 Q Okay. If you recall, you may not, do
23 you recall off the top of your head any specific
24 conversations that you had with Mr. Torrence
25 about accommodating Ms. Geter early in the

1 process?

2 A All I recall is that he wanted to do
3 everything he could to keep her employed and work
4 through her accommodation, and I know he said he
5 would approve the first accommodation, and then I
6 know we did go through a second accommodation.
7 That's what I'm aware of.

8 Q Okay. Did you personally have any
9 conversations with Ms. Biskey Rose about
10 Ms. Geter's accommodations?

11 A Not until the decision to -- that we
12 couldn't continue to accommodate. So the last
13 conversation she was involved with me, Travis,
14 and herself.

15 Q Okay.

16 A I do not know the conversations she
17 had with Travis and Marianne.

18 (Whereupon a document was identified as
19 Exhibit 16.)

20 BY MS. LEGARE:

21 Q Right. If you will look at Exhibit
22 16.

23 A Okay.

24 Q Can you tell me if you've seen this
25 document, Ms. Janssen?

1 A Yes.

2 Q Do you know when the first time you
3 saw this was?

4 A I do not.

5 Q Do you know if it would have been
6 while Ms. Geter was employed?

7 A Yes.

8 Q Okay. And in this document
9 Ms. Geter's doctor says that she has clinical
10 depression and posttraumatic stress disorder;
11 right?

12 A Correct.

13 Q And I believe this is the request to
14 extend her accommodation through March; right?

15 A Until March 19th, correct.

16 Q I think you said, and I don't want to
17 put words in your mouth, but so at this point in
18 time you would have been communicating with
19 Mr. Torrence?

20 A What do you mean?

21 Q I think you said you only spoke with
22 Ms. Biskey Rose after the last request?

23 A Right.

24 Q This request to extend through March
25 was approved; correct?

1 A Correct.

2 (Whereupon a document was identified as
3 Exhibit 31.)

4 BY MS. LEGARE:

5 Q So let's look at Exhibit 31.

6 A Okay.

7 Q Does this refresh your recollection
8 about when you first learned about Ms. Geter's
9 need for accommodation when she returned to work?

10 A Yes.

11 Q It looks like the request was
12 December 17, 2018; right?

13 A Yes.

14 Q It looks to me like this is the
15 process you're talking about, HR leave management
16 gets it and then sends it to you and to
17 Mr. Torrence?

18 A Correct.

19 Q Do you recall one way or the other
20 whether you had any conversations with
21 Mr. Torrence? Because it looks like he replied
22 pretty quickly that they could accommodate the
23 restrictions; right?

24 A Correct.

25 Q Did he talk to you about that before

1 he did it?

2 A I don't recall. We typically have
3 phone conversations.

4 Q Got it. But at least in this case it
5 looks like you learned of the request for
6 accommodation around 8:47 in the morning and the
7 accommodation was approved pretty quickly, you
8 know, around lunchtime on that day?

9 MR. MILIANTI: Object to the form.

10 THE WITNESS: I'm not 100 percent
11 sure because I don't have the recollection of our
12 conversation.

13 BY MS. LEGARE:

14 Q Okay. But at least according to this
15 email, though, at 1:33 p.m., you were talking
16 about letting Ms. Geter know that her request had
17 been granted; right?

18 A At that time I gave Travis the okay
19 to communicate if he would like to accommodate.
20 I can't confirm when that happened after that.

21 Q Right. Right. Right. That's not
22 what I'm asking. All that I'm saying is at least
23 as of Travis's email to you at 12:57 p.m., he
24 said that they were able to accommodate; right?

25 A Correct. I have a different time in

1 my document, but I have 1:33 that we said we
2 would be able to communicate with her.

3 Q Right. But if you scroll down to
4 emails below that, there is an email from
5 Mr. Torrence to you at December 17, 2018, at
6 12:57 p.m. saying we're able to accommodate the
7 restrictions outlined below?

8 A Correct.

9 (Whereupon a document was identified as
10 Exhibit 32.)

11 BY MS. LEGARE:

12 Q And then if you will look at Exhibit
13 32?

14 A Okay.

15 Q Are you familiar with Exhibit 32?

16 A Yes.

17 Q And this email chain is -- the top
18 two emails are dated January 21, 2019; right?

19 A Correct.

20 Q And the email from Anissa, is it
21 Gauthier? Do you know how to pronounce her last
22 name?

23 A Gauthier.

24 Q Gauthier. Okay. The email from
25 Ms. Gauthier to you and Mr. Torrence notified you

1 that they received an updated return-to-work form
2 that indicates a continuation of light duty three
3 days per week through 3-19-2019; right?

4 A Correct.

5 Q Do you know what she meant by light
6 duty? Is part-time work light duty?

7 A I do not know what she meant by that.

8 Q Okay. Do you know if Schneider has a
9 light-duty policy?

10 A I do not know off the top of my head.

11 Q It looks like you emailed
12 Mr. Torrence and cc'd Doug Horton at 10:30 a.m.
13 asking their thoughts; right?

14 A Correct.

15 Q Do you know if they responded to you?

16 A They more than likely -- actually,
17 Travis more than likely picked up the phone and
18 had a conversation with me, but this was back in
19 '19, so I don't have the specifics.

20 (Whereupon a document was identified as
21 Exhibit 34.)

22 BY MS. LEGARE:

23 Q If you'll look at Exhibit 34.
24 Actually let me ask you a question before you
25 look at that. Based on everything I've seen, the

1 accommodation was extended to March 19, 2019, for
2 Ms. Geter; right?

3 A Correct.

4 Q And if you will look at Exhibit 34,
5 please.

6 A Okay.

7 Q And this looks like an email from
8 Mr. Torrence to you on March 22, 2019; right?

9 A Correct.

10 Q And in the email Mr. Torrence wrote,
11 "On Monday Anissa said that Cierra's doctor
12 wanted to extend the 3-day restriction. She set
13 up a call for us to discuss since we don't
14 typically accommodate a restriction like that
15 beyond 90 days."

16 Is there a policy that says certain
17 accommodations will only be granted for 90 days?

18 A Not -- I'm not for sure. I'm not 100
19 percent sure.

20 Q And do you know if it's -- if, in
21 fact, there was a policy that said these
22 restrictions would only be granted for 90 days,
23 that's compliant with the ADA?

24 MR. MILIANTI: Object to the form of
25 the question. Calls for a legal conclusion. I

1 believe misstates her testimony as well.

2 BY MS. LEGARE:

3 Q You can answer.

4 A Can you rephrase the question?

5 Q Yeah. Well, do you have any
6 knowledge about whether if Schneider actually has
7 a policy that allows certain types of
8 accommodations for only 90 days, whether that
9 policy is compliant with the Americans with
10 Disabilities Act?

11 MR. MILIANTI: Object to the form of
12 the question. Calls for a legal conclusion.

13 THE WITNESS: I do not know off the
14 top of my head.

15 BY MS. LEGARE:

16 Q This reports that Anissa was going to
17 speak to see Cierra's doctor and see if there is
18 truly a need for a 3-day restriction or if Cierra
19 would be able to work a fourth day a different
20 day of the week temporarily, or if a 5-day
21 schedule would work.

22 Do you know if anyone ever spoke with
23 Ms. Geter's doctor about her need for continued
24 accommodations?

25 A I know that Anissa was going to reach

1 out.

2 Q Do you know if any connection was
3 actually made between Anissa and Ms. Geter's
4 provider?

5 A I do not believe --

6 MR. MILIANTI: Just object to the
7 form. As to what? I'm sorry, I'm not --

8 BY MS. LEGARE:

9 Q Regarding the accommodation?

10 A Can you --

11 MR. MILIANTI: Yeah, I'm sorry.

12 Object to the form. I'm not following.

13 BY MS. LEGARE:

14 Q Yes. I think you said that you
15 thought somebody was going to reach out to
16 Ms. Geter's provider; right?

17 A Anissa, the HR leave was going to
18 reach out to the doctor.

19 Q And do you know if she did?

20 A I trust her word.

21 Q Have you personally seen anything
22 that shows that she did?

23 A I have seen a letter of her
24 requesting that information.

25 Q And do you know if anyone, you may

1 not, asked Ms. Geter whether there were any other
2 accommodations that would work other than the one
3 that she was -- that her doctor was requesting
4 for her?

5 A It is our typical practice to first
6 ask the associate if we can make any other type
7 of accommodations. So myself and the leader
8 would have that conversation, and the leader
9 would go back, in this case, to Ms. Geter and
10 say, is there any other shifts, any other type of
11 work.

12 And I know that that conversation was
13 had between Anissa and Ms. Geter before she sent
14 the information to the doctor, I believe.

15 Q You say you know. How do you know?
16 Were you on that conversation?

17 A Anissa had shared that she was going
18 to talk to Ms. Geter and then follow-up with
19 Ms. Geter's doctor.

20 Q Do you know --

21 A I was not in the conversation.

22 Q Okay. So you don't know if it
23 actually happened or not?

24 A Correct.

25 Q Do you know if Ms. Geter was ever

1 offered a transfer to a different shift at the
2 time she needed an accommodation?

3 A I was told she was offered different
4 shifts as well as different days of the week in
5 order to see if she would be able to work
6 something out.

7 Q Who told you that?

8 A That would be her leader.

9 Q Travis?

10 A Yes, in a phone conversation, I
11 believe.

12 Q At some point did you learn that one
13 of the possibilities was for Ms. Geter to work
14 from home from time to time?

15 MR. MILIANTI: Object to the form.
16 Misstates facts in evidence.

17 BY MS. LEGARE:

18 Q Schneider is saying that Ms. Geter
19 requested to work from home as a part of her
20 accommodation. Do you know whether that, in
21 fact, happened?

22 A I do not.

23 Q And do you personally know how often
24 employees in Fairburn worked from home?

25 A I do know the leaders have discretion

1 to allow folks to work from home based on
2 business needs, but I did not get involved in
3 those decisions, the conversations, or the
4 amounts of time that that happened. I know it's
5 not consistent though. They're strictly one-off
6 situations.

7 Q Were you aware that Mr. Torrence
8 worked from home somewhere between 80 and 87 days
9 in 2018?

10 MR. MILIANTI: Object to the form of
11 the question. Assumes facts not in evidence.

12 BY MS. LEGARE:

13 Q You can answer.

14 MR. MILIANTI: That's a -- Cheryl,
15 that's an inappropriate question. Go ahead.

16 MS. LEGARE: It's not an
17 inappropriate question.

18 MR. MILIANTI: It is and you know it
19 is, but go ahead. You can answer the question to
20 the extent you know it based on nothing in the
21 record.

22 THE WITNESS: I do not have
23 visibility to Travis's schedule.

24 BY MS. LEGARE:

25 Q Do you know personally, either

1 through your work from home or any information
2 you've gotten as a senior HR business partner,
3 how Schneider keeps track of when people are
4 working from home versus working in the office?

5 MR. MILIANTI: Just object to the
6 form of the question.

7 THE WITNESS: That is something that
8 is discussed with their leader, and their leader
9 would handle. I would not have visibility to
10 that.

11 BY MS. LEGARE:

12 Q Do you document, prior to COVID, I'm
13 not talking about now, but prior to COVID when
14 you were working from home, was it documented
15 anywhere either in a calendar or someplace else
16 when you were working from home?

17 A I don't have directs, so I do not
18 know what my leader does with that information.

19 (Whereupon a document was identified as
20 Exhibit 35.)

21 BY MS. LEGARE:

22 Q If you would look at Exhibit 35.

23 A Okay.

24 Q Have you seen Exhibit 35 before?

25 A Yes.

1 Q And it looks like the HR leave team
2 did respond regarding the request for more
3 information from Dr. Wanzo; right?

4 A Correct.

5 Q And they were not working until March
6 30, 2019?

7 A According to that message, yes.

8 Q According to that. It looks like you
9 gave that information to Mr. Torrence and just
10 told him you would wait until the 30th; right?

11 A Correct.

12 Q Tell me, I think you said you had a
13 call with Ms. Biskey Rose and Mr. Torrence
14 regarding, and I think it was Ms. Geter had
15 requested to continue to work three days a week
16 until June 5th; right?

17 A Correct.

18 Q Tell me what you recall about the
19 conversation with Ms. Biskey Rose and
20 Mr. Torrence relating to that?

21 A I asked them if there was any
22 possible way they could continue the
23 accommodation past -- well, at this point we were
24 already past, so this was the last approval, so
25 continue to approve that schedule until June.

1 They had said that they are not able
2 to continue to carry the workload and the
3 schedule and all of the work she's not able to do
4 any longer. And I asked if there was other
5 options for them to fill that work, i.e. a temp.

6 They had said, and I agreed, knowing
7 I've had contingent staffing experience before,
8 that due to the time it would take to get a temp,
9 find a temp, train a temp and then place them on
10 a support shift night by themselves would not be
11 something we would be able to do not knowing if
12 this is going to extend past June, seeing it's
13 already extended three times.

14 Q Was there some concern that it would
15 take too long to find a temp?

16 A Not finding the temp, training a
17 temp, and then having a temp by themselves on
18 that schedule.

19 Q I mean, is there any reason that
20 another employee couldn't have been moved to the
21 solo shift and have the temp work the shift that
22 was not solo?

23 A If they were available to do so, and
24 my guess is if somebody wasn't available to do
25 so, then we wouldn't have been able to do that.

1 Q Do you know if --

2 A We always look internally before we
3 would talk about a temp if we can rearrange
4 schedules.

5 Q Do you know if any efforts were made
6 to rearrange schedules?

7 A I do not personally know, but that is
8 our best practice, that is what we do.

9 Q Are you saying that's what you
10 generally do if someone either needs leave or an
11 accommodation?

12 A Yeah, we put the option out there to
13 see if there's possibilities for others to cover,
14 which they already all were taking turns trying
15 to cover.

16 Q Well, were you aware that
17 Mr. Torrence said nobody was covering, that he
18 was doing it?

19 A I was aware he was covering the
20 majority.

21 Q And I'd like to understand how temp
22 employees work at Schneider. So does Schneider
23 use temp employees from time to time to cover for
24 office positions?

25 A Yes.

1 Q Do you know, and I understand that
2 you may not, but do you know if there is any
3 documentation of any efforts made to get other
4 APMs to cover for Ms. Geter?

5 A I don't -- I don't have that
6 information.

7 Q Can you tell me if you know, and,
8 again, I understand you may not, why no efforts
9 were made to bring a temp in sooner so that they
10 would be trained?

11 A Because we believed Ms. Geter would
12 be back to work full duty on February 14th and
13 then again on March 20th, and we were expecting
14 her to be back to work.

15 (Whereupon a document was identified as
16 Exhibit 22.)

17 BY MS. LEGARE:

18 Q If you will look at Exhibit 22.

19 A Okay.

20 Q Have you seen Exhibit 22 before?

21 A I don't recall this one.

22 Q So fair to say you did not draft that
23 letter; correct?

24 A No.

25 Q Do you recall any -- when you spoke

1 with Ms. Biskey Rose and Mr. Torrence, do you
2 recall in that conversation discussing
3 Ms. Geter's request to work from home at all?

4 A No. Our conversation was about being
5 able to continue to accommodate through June.

6 Q Okay. Do you know why the area
7 planning managers were relocated from, assuming
8 not only Fairburn, but other locations to Green
9 Bay?

10 A Yes. So it was a centralized
11 approach we took. We've done it in other areas.
12 It's been successful. We had a new software
13 called IMD that we use, and all of the resources
14 that help update and work in that system are
15 located here. The collaboration that's needed
16 between customer service is here, as well as a
17 lot of the network leadership is here.

18 So to be able to streamline and band
19 our dispatching system as well as our team, we
20 needed to have it centralized.

21 Q So some of the job duties of the area
22 planning manager or one of the job duties
23 includes working with customer service personnel;
24 right?

25 A Correct.

1 Q And the customer service personnel is
2 centralized in Green Bay?

3 A Correct.

4 Q And when you say some of the
5 leadership is in Green Bay, what kind of
6 leadership are you talking about?

7 A Our network directors, which would be
8 the dotted line to the APM were located in Green
9 Bay.

10 Q So did APMs when they were throughout
11 the country have a dotted line to the network
12 directors in Green Bay or has that changed?

13 A When they were in the field, they
14 would then partner with -- they wouldn't have a
15 dotted line to the directors. The operation
16 directors would have that partnership with the
17 network directors because the area planning
18 managers reported up through operations at that
19 point, which was another group that the APMs have
20 to collaborate with.

21 Q Got it. And the operations people
22 remained in the field; right?

23 A Correct.

24 MS. LEGARE: That's all I have, Pete.
25 That's all I have, Ms. Janssen.

1 MR. MILIANTI: Okay. I won't push
2 you to ask any more.

3 MS. LEGARE: I mean, I can if you
4 want me to.

5 MR. MILIANTI: I mean, you're welcome
6 to ask any questions you'd like.

7 MS. LEGARE: I know.

8 THE COURT REPORTER: Who wants a copy
9 of the transcript?

10 MS. LEGARE: Yeah, we have order on
11 file. Thanks.

12 MR. MILIANTI: I'll take a mini with
13 ASCII, please.

14 (Proceedings adjourned, 3:08 p.m.)

15 (Signature reserved.)
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1 The following reporter and firm
2 disclosures were presented by me at this
3 proceeding for review by counsel:

4 REPORTER DISCLOSURES

5 The following representations and
6 disclosures are made in compliance with Georgia
7 Law, more specifically:

8 Article 10 (B) of the Rules and
9 Regulations of the Board of Court Reporting
10 (disclosure forms)

11 OCGA Section 9-11-28 (c)
12 (disqualification of reporter for financial
13 interest)

14 OCGA Section 15-14-37 (a) and (b)
15 (prohibitions against contracts except on a
16 case-by-case basis).

17 - I am a certified court reporter in the State of
18 Georgia.

19 - I am a subcontractor for Veritext.

20 - I have been assigned to make a complete and
21 accurate record of these proceedings.

22 - I have no relationship of interest in the
23 matter on which I am about to report which would
24 disqualify me from making a verbatim record or
25 maintaining my obligation of impartiality in
compliance with the Code of Professional Ethics.

- I have no direct contract with any party in
this action, and my compensation is determined
solely by the terms of my subcontractor
agreement.

FIRM DISCLOSURES

- Veritext was contacted to provide reporting
services by the noticing or taking attorney in
this matter.

- There is no agreement in place that is
prohibited by OCGA 15-14-37 (a) and (b). Any
case-specific discounts are automatically applied
to all parties at such time as any party receives
a discount.

- Transcripts: The transcript of this proceeding
as produced will be a true, correct, and complete
record of the colloquies, and answers as
submitted by the certified court reporter.

1 - Exhibits: No changes will be made to the
exhibits as submitted by the reporter, attorneys,
2 or witnesses.

- Password-Protected Access: Transcripts and
3 exhibits relating to this proceeding will be
uploaded to a password-protected repository, to
4 which all ordering parties will have access.

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1 CERTIFICATE

2 STATE OF GEORGIA:

3 COUNTY OF COBB:

4 I hereby certify that the foregoing
5 deposition was taken down, as stated in the
6 caption, and the colloquies, questions and
7 answers were reduced to typewriting under my
8 direction; that the transcript is a true and
9 correct record of the evidence given upon said
10 proceeding.

11 That the witness's right to read and
12 sign the deposition was reserved;

13 I further certify that I am not a
14 relative or employee or attorney of any party,
15 nor am I financially interested in the outcome of
16 this action.

17 I have no relationship of interest in
18 this matter which would disqualify me from
19 maintaining my obligation of impartiality in
20 compliance with the Code of Professional Ethics.

21 I have no direct contract with any party
22 in this action and my compensation is based
23 solely on the terms of my subcontractor
24 agreement.

25 Nothing in the arrangements made for
this proceeding impacts my absolute commitment to
serve all parties as an impartial officer of the
court.

This 22nd day of April, 2021.

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SHANNON E. JORDAN, RPR, CCR-B-2126

Georgia Code

Title 9, Chapter 11

Article 5, Section 9-11-30

(e) Review by witness; changes; signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by paragraph (1) of subsection (f) of this Code section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed. If the deposition is not reviewed and signed by the witness within 30 days of its submission to him or her, the officer shall sign it and state on the record that the deposition was not reviewed and signed by the deponent within 30 days. The deposition may then be used as fully as though signed unless, on a motion to suppress under paragraph (4) of subsection (d) of Code

Section 9-11-32, the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

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EXHIBIT D



Deposition of:
Sarah Kopf

April 19, 2021

In the Matter of:
**Geter, Cierra v. Schneider National
Carriers Inc.**

Veritext Legal Solutions
800.808.4958 | calendar-atl@veritext.com | 770.343.9696

Geter, Cierra v. Schneider National Carriers Inc.

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

CIERRA GETER,

Plaintiff,

vs.

CIVIL ACTION FILE

NO. 1:20-CV-01148-SCJ-JSA

SCHNEIDER NATIONAL
CARRIERS, INC,

Defendant.

REMOTE DEPOSITION OF SARAH KOPF

Monday, April 19, 2021

Commencing at 12:57 p.m.

Concluding at 1:33 p.m.

Witness Located at Personal Residence
23 Meadow View Street
Newnan, Georgia 30263

Reported by: Mary Beth Cook, RPR

CCR# 5079-8707-4272-4608

COMBS COURT REPORTING, INC.

112 Pierce Avenue
Macon, Georgia 31204
(478) 474-6987

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INDEX

SARAH KOPF

PAGE

Cross-Examination By Ms. Legare

4

Direct Examination By Mr. Milianti

18

Recross-Examination By Ms. Legare

24

Redirect Examination By Mr. Milianti

29

Further Recross-Exam By Ms. Legare

29

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1 MS. LEGARE: I'm Cheryl Legare, and I
2 represent Cierra Geter against Schneider, and
3 you're here just because you've been identified
4 as a witness in the case, and I'm here to ask
5 you what you might know.

6 Are we reserving -- actually can you swear
7 the witness, please.

8 (Whereupon, the witness was sworn.)

9 MS. LEGARE: Are we reserving objections,
10 Pete?

11 MR. MILIANTI: Yes, that's fine.

12 MS. LEGARE: I'm assuming you want to read
13 and sign?

14 MR. MILIANTI: Yes.

15 MS. LEGARE: Okay.

16
17 SARAH KOPF,
18 having been produced and first duly sworn,
19 testified as follows:
20

21 CROSS-EXAMINATION

22 BY MS. LEGARE:

23 Q Ms. Kopf, can you state your full for the
24 record, please.

25 A Yes. Full name is Sarah Marie Kopf.

1 Q And what is your current address?

2 A 23 Meadow View Street, Newnan, Georgia
3 30263.

4 Q Are you currently employed by Schneider?

5 A Yes, ma'am.

6 Q Have you ever been deposed before?

7 A No.

8 Q Okay. I'm sure Pete's filled you in.

9 It's a pretty simple process. I ask you questions,
10 you answer my questions, and the court reporter
11 writes it all down for us, okay?

12 A Yes, ma'am.

13 Q If you don't understand anything I ask
14 you, just ask me to rephrase. I'm happy to do so.

15 A Okay.

16 Q And if you need a break, that's fine.

17 Like I said, I'm going to be shocked if we're here
18 more than an hour or even more than 30 minutes.

19 And what did you do to prepare for the
20 deposition today? And I don't want to know about
21 anything you talked to Pete about.

22 A Nothing really. Just tried to remember
23 back, you know, a couple years ago, but that's
24 nothing.

25 Q Got it. Did you talk to any employees of

1 Schneider about the issues in Ms. Geter's case
2 outside the presence of your lawyer?

3 A No, ma'am.

4 Q And you understand that you're under oath
5 today just as if we were in court?

6 A Yes, ma'am.

7 Q All right. How long have you been
8 employed with Schneider?

9 A Three years and a little over a month. My
10 three-year anniversary was March 5th.

11 Q So does that mean you started in 2018?

12 A Yes, ma'am.

13 Q What was your first position with
14 Schneider?

15 A I was an area planning manager for second
16 shift.

17 Q When you were hired and began working for
18 Schneider, who did you report to on second shift?

19 A Travis Torrance.

20 Q And how long did you hold the second shift
21 area planning manager position?

22 A I held that for just about exactly two
23 years when I became a driver team leader on
24 March 8th of last year, of 2020.

25 Q What's the difference -- at a high level,

1 not in a lot of detail -- but between an area
2 planning manager position and a driver team lead
3 position?

4 A Area planning manager we route the drivers
5 with pickups and deliveries, help with any questions
6 regarding loads between us and customer service.
7 Driver team lead we manage their pay, their
8 regulatory safety. It's more of a managerial, like
9 a supervisor position.

10 Q You actually supervise drivers now?

11 A Yes.

12 Q Okay. Were you always on second shift as
13 an area planning manager?

14 A I did from time to time cover a third
15 shift, and for one week I did cover a first shift.

16 Q Would you cover third shift if people were
17 out?

18 A Yes, ma'am.

19 Q What days of the week did you work on
20 second shift?

21 A My schedule was Friday through Tuesday and
22 off Wednesday, Thursday.

23 Q How many area planning managers were
24 scheduled on second shift at a time?

25 A We had -- when I first started it was me

1 and one other area planning manager during second
2 shift. Later there was a third area planning
3 manager hired, so it usually -- consistently there
4 was two area planning managers on the second shift.

5 Q When was the third person brought on?

6 A I don't recall the exact date. I would
7 say I was there at least a year after he came on
8 board.

9 Q Prior to the third person coming on, there
10 would have been days during the week that you worked
11 alone, right?

12 A Yes, after a certain period of me working
13 there.

14 Q Tell me about how it is that you came to
15 take the driver team lead position.

16 A I was there for two years. I had voiced
17 interest to my manager that I would be interested,
18 and that would be my next role in my career with
19 Schneider. And I had -- my predecessor, Shannon,
20 she had given me information that she was going to a
21 different position with Schneider, and she wanted to
22 recommend me for the job.

23 Q What's Shannon's last name?

24 A Bailey.

25 Q Was she at the Fairburn facility too?

1 A Yes, ma'am.

2 Q And did she work on second shift with you?

3 A No, she worked first shift, the same days
4 though, Friday through Tuesday.

5 Q As an area planning manager and then she
6 took a different position?

7 A No. She started out as a temp, I believe.
8 I don't know the exact position, but then she became
9 a driver team lead.

10 Q And I understand in March of 2020 or
11 sometime around there all the area planning managers
12 were being transferred to Green Bay; is that right?

13 A Yes, the position was being transferred to
14 Green Bay.

15 Q Were you offered a position in Green Bay
16 before you took a driver team lead position?

17 A No.

18 Q Were you a driver team lead -- did your
19 promotion to driver team lead happen before the area
20 planning managers were moved?

21 A It was right about the same time. I knew
22 about the position -- I knew about the position
23 opening after we found out the positions were moving
24 up to Green Bay.

25 Q I understand at least one person

1 transferred to Green Bay.

2 A Yes.

3 Q Some people took positions in Fairburn --
4 other positions in Fairburn, and then some people
5 got a severance package; is that your recollection?

6 A Yes, ma'am.

7 Q Based on your own personal knowledge --
8 and I understand, you know, you weren't -- you may
9 not know, but what I'm asking is do you understand
10 how that process worked about who was assigned where
11 and who got a package?

12 A I only know about the one transfer back to
13 Green Bay. That was Austin. As far as who got a
14 severance package, I don't know the details.

15 Q And Austin I understand made the choice to
16 go to Green Bay, right?

17 A Yes.

18 Q Do you know if he's actually moved up
19 there?

20 A Yes.

21 Q And who supervises you now?

22 A Travis Torrance.

23 Q And last week there was a deposition, and
24 the person deposed mentioned that Schneider has a
25 flexible work policy. Are you aware of that policy?

1 A Not as to details. I guess I would need a
2 more specific question, I guess, like in regards to
3 what area, I guess.

4 Q Yeah. She said it's a policy that covers
5 both work from home and -- so remote work and
6 part-time work or reduced-hour schedules.

7 A I know I've been able to work from home
8 post-Covid, and I know it was an option before Covid
9 happened. As far as the reduced schedules, I know
10 that there were people that were able to have them.
11 I don't know specifics though.

12 Q Let's start with that. Based on your own
13 personal knowledge, who had a reduced schedule?

14 A I know when Cierra came back she had a
15 reduced schedule. I didn't know this before, but I
16 know Tiffany had a reduced schedule when she came
17 back as well. I didn't know the details though
18 because I didn't work with her on first shift.

19 Q She was on first shift?

20 A Yes.

21 Q And I want to make sure I understand the
22 structure. So you reported to Travis?

23 A Yes, ma'am.

24 Q And I'm talking now when you were an area
25 planning manager, not now. Do you know who

1 Mr. Torrance reported to at that time?

2 A Doug Horton.

3 Q And then he reported to Ms. Biskey-Rose?

4 A Yes, ma'am.

5 Q So tell me about what you understood about
6 an employee's ability to work from home prior to
7 Covid. I know Covid is a totally different world.

8 A So, I mean, I can't speak for other people
9 how they went about getting permission to work from
10 home. I know the few times that I was able to work
11 from home the power was out at the office.
12 Obviously we couldn't do our job if the power was
13 out. Another instance would be if I had a family
14 emergency came up, and instead of taking a day I
15 offered to work from home. But as far as like -- I
16 would have to just go to my manager, to Travis
17 Torrance, say, hey, you know, can I work from home
18 on this day for this reason, like I said, if an
19 emergency came up with the power going out.

20 Q And so Travis approved it for you?

21 A Yes, ma'am.

22 Q Do you know if there's any -- if you were
23 required to document in any way when you were
24 working from home? For example, if you called
25 Travis and said, hey, I've got a family emergency,

1 but I can work as long as I can work from home, was
2 that documented in any way that you had worked from
3 home that day instead of from the office?

4 MR. MILIANTI: Object to the form of the
5 question. Go ahead and answer.

6 THE WITNESS: I guess they could be able
7 to tell through our computer when we would have
8 to log in from the remote BPN.

9 BY MS. LEGARE:

10 Q But you personally weren't required to
11 write it down in any way that this Monday I worked
12 from home?

13 A No, I wasn't.

14 Q Since the APMs were moved to Green Bay, do
15 you think their job duties have changed at all from
16 your observation? I know you're not in the job, but
17 just from what you've watched.

18 MR. MILIANTI: Object to the form of the
19 question, calls for speculation. If you know.

20 THE WITNESS: I don't know specifically if
21 their job duties have changed.

22 BY MS. LEGARE:

23 Q Did the things that -- did the duties that
24 you used to perform as an area planning manager in
25 your observation are those duties still being

1 performed?

2 A The only -- well, because I work with
3 first-shift planners now, and I'm on first shift.
4 As far as when I was on second shift, I had to
5 answer phone calls and messages from drivers. I
6 don't know if they have to do the same on second
7 shift with second-shift planners. I know first
8 shift is different. Area planning managers did not
9 have to do that on first shift as well.

10 Q So they never had to do that in your
11 experience?

12 A Right.

13 Q On first shift?

14 A Correct. Second shift it was part of the
15 job to answer phone calls and messages. I don't
16 know if they have to do that now.

17 Q With respect to the duties that you had
18 other than answering the phone call, based on your
19 observations still working with the drivers, are the
20 duties that you performed as an area planning
21 manager still being performed by the area planning
22 managers that you work with?

23 A Yes.

24 Q They're just happening remotely from Green
25 Bay?

1 A Yes.

2 Q So let's switch to Covid. Have you been
3 working from home during Covid?

4 A Yes, ma'am.

5 Q Full time or do you go into the office
6 from time to time?

7 A When Covid first happened, it was full
8 time. Then it was we split up our five days that we
9 worked a week, so we would work three days at home,
10 two days in the office. Then when things started to
11 open up a little bit more, now we just recently came
12 back full time in the office.

13 Q Do you recall when you came back full time
14 to the office?

15 A Full time March 15th.

16 Q So almost a year?

17 A Yes.

18 Q I think you said it was full time at first
19 from home?

20 A Yes.

21 Q Then three days at home and two days in
22 the office?

23 A Yes, ma'am.

24 Q Was that so you didn't have overlap?

25 A Yes, ma'am, less people in the office.

1 Q And now full time back at the office?

2 A Yes, ma'am.

3 Q Do you still have the ability to work from
4 home, for example, if you had a family emergency?

5 A Yes, ma'am.

6 Q Who would have to approve that now?
7 Travis?

8 A Travis, yes, ma'am.

9 Q How did you learn that Ms. Geter had been
10 terminated?

11 A I was working second shift the night she
12 was terminated.

13 Q Were you present at the time she was
14 terminated?

15 A Yes, ma'am.

16 Q Did you witness her termination?

17 A They went into an office, a separate
18 office. I didn't witness it directly.

19 Q When Ms. Geter left that night, did you
20 talk to her at all?

21 A When she had come out, she had, you know,
22 told me what had happened, and she was visibly
23 upset. After that she'd gone home. We didn't talk
24 later that night. I just knew what had happened.

25 Q So she talked to you about it before she

1 left?

2 A Well, she'd come out of the office and
3 said, you know, kind of out in the open what they
4 had just -- that she had just gotten fired.

5 Q And have you talked to Ms. Geter at all
6 since she was terminated?

7 A Yes.

8 Q How often do you talk to her?

9 A We were friends. Maybe once every couple
10 of weeks, every couple of months I would check in on
11 her. With Covid we obviously didn't see each other.
12 We would talk and check in every now and then. Last
13 time I actually saw her face to face was
14 October 3rd of last year, but before that we
15 didn't see each other during Covid.

16 Q So did you actually hang out with her on
17 October 3rd?

18 A Yes. It was my daughter's birthday.

19 Q Okay. So you still keep in touch with
20 Cierra, right?

21 A Yes, ma'am.

22 Q Do you consider her a friend?

23 A I do.

24 MS. LEGARE: I think that's all I have. I
25 told you it would be short. Pete?

1 DIRECT EXAMINATION

2 BY MR. MILIANTI:

3 Q Let me ask some questions if that's okay.

4 Ms. Kopf, you understood that when you
5 applied for the area planning manager position that
6 it was a full-time position; is that right?

7 A Yes, sir.

8 Q And did you understand that you were
9 expected to work at least 40 hours per week; is that
10 right?

11 A Yes, sir.

12 Q And during the time period that you worked
13 as an area planning manager, did you ever work with
14 any other area planning managers who worked a
15 part-time schedule?

16 A No.

17 Q And you testified that you worked the
18 second shift as an APM, right?

19 A Yes, sir.

20 Q And what were you -- and you may have
21 already testified to this. I'm sorry if you did for
22 asking again, but what were your general work hours
23 as an APM on the second shift?

24 A The general work hours varied. The first
25 set was, like, 4 p.m. to 1 a.m. I also switched to

1 a 3 p.m. to midnight, and then they needed earlier
2 coverage in the afternoon, so then I would work,
3 like, a one to ten or two to eleven.

4 Q And it's my understanding that there were
5 occasions that you would work alone as an APM on
6 Saturday and Sunday nights; is that right?

7 A Yes, sir.

8 Q Do you recall any instance when you were
9 scheduled to work alone that you asked to work from
10 home?

11 A No.

12 Q And if we can just generally talk about
13 your job duties as an area planning manager. Can
14 you just generally -- were you responsible for any
15 type of drivers or any type of market?

16 A I was responsible for planning the whole
17 southeast market which was Atlanta, Charlotte,
18 Savannah, Winter Haven, Jacksonville and Miami.

19 Q And when you were an APM, were there
20 specific job duties that you believe you needed to
21 perform in the office?

22 A Yes. At the time if a driver needed an
23 extra key for a truck, that was actually behind a
24 lock box that only office associates were able to
25 get to. And before Covid the printer to print off

1 paperwork was in the office behind -- we had a
2 locked door between the office and the driver
3 lounge, and the printer to print off paperwork was
4 in our office, so we would need to be there to print
5 paperwork off for the drivers.

6 Q And with respect to getting keys for
7 drivers, how frequently would that come up?

8 A Pretty frequently. Every night if there
9 was a breakdown, their truck wouldn't start, we had
10 drivers who shared trucks, so if the previous person
11 was not back at the yard in time, you know, they
12 would need a loaner truck for the night, and we
13 would need to provide a key for that.

14 Q And would you also consider having face
15 time with the fleet of drivers with whom you
16 interacted to be an important function of your job?

17 MS. LEGARE: Objection.

18 THE WITNESS: Yes, it was.

19 BY MR. MILIANTI:

20 Q And why was that?

21 A The drivers, if they couldn't get in, you
22 know, through the phone line or through the
23 messages, they would come in the office and ask for
24 help. Or if an emergency came up and they needed to
25 leave, they would come in and speak to us. If they

1 needed paperwork, they would like to come in and
2 actually speak to somebody, you know, face to face
3 in case something happened on the yard or if they
4 couldn't get through the phones or messages.

5 Q And would it be accurate to say that the
6 drivers expected you and the other APMs to be in the
7 office so they could ask you questions and get
8 realtime answers to their questions?

9 A Yes.

10 Q And would it be accurate to say that
11 during the time period you worked as an APM at
12 Fairburn, developing a relationship with the drivers
13 was always an expectation of the APM position?

14 A Yes.

15 Q And I believe you testified that you never
16 worked a reduced schedule; is that right?

17 A Yes.

18 Q All right. And during the time period
19 that you worked as an APM, I believe you testified
20 that there were a few occasions when you worked from
21 home; is that correct?

22 A Yes.

23 Q You didn't have any kind of a set schedule
24 where you would work from home; is that right?

25 A No.

1 Q For instance, you didn't request to work
2 one day a week at home; is that correct?

3 A Correct.

4 Q And you didn't request to work one day a
5 month from home; is that correct?

6 A Correct.

7 Q So, in other words, as an APM pre-Covid,
8 of course, you never consistently worked from home;
9 is that right?

10 A Right.

11 Q And how many times do you believe
12 pre-Covid, so during -- you started in 2018. So
13 from March of 2018 until March of 2020, how many
14 times do you believe you worked from home?

15 A That's really hard to answer because I
16 don't -- it's hard to answer because -- I would say
17 maybe a handful of times, maybe four or five at the
18 most. It wasn't very common. I wasn't really a fan
19 of working from home back then.

20 Q Okay. During Ms. Geter's deposition she
21 testified that from the spring of 2018 until the
22 spring of 2020, you worked from home to care for
23 your children once or twice per month. Is
24 Ms. Geter's testimony accurate?

25 A No, not once or twice a month, no.

1 Q Do you ever recall telling Ms. Geter that
2 you were working from home once or twice per month?

3 A No.

4 Q And you testified that when Covid hit you
5 were a driver team lead; is that correct?

6 A Yes. It happened almost exactly the same
7 time.

8 Q Okay. So when Covid started, you were not
9 in the APM position; is that correct?

10 A Correct.

11 Q All right. And when you were a driver
12 team lead, you testified that for a period of time
13 you worked from home, and then there was a period of
14 time that you came in a couple of times a week, and
15 then starting on March 15th you were full time
16 back in the office; is that accurate?

17 A Yes.

18 Q Okay. Was it your understanding that the
19 expectation of your position was to be in the
20 office?

21 A Yes.

22 Q So, in other words, if Covid -- if the
23 pandemic had not hit, your expectation was that you
24 would be in the office full time as a driver team
25 lead just like you were prior to the pandemic; is

1 that correct?

2 A Yes.

3 Q Okay. You also testified that you believe
4 that Tiffany Kitchens had a reduced schedule; is
5 that correct?

6 A I believe she did. I don't know the
7 details. I don't know what days, what times.

8 Q Okay. Do you have any personal knowledge
9 as to Ms. Tiffany Kitchens' schedule?

10 A Right now or?

11 Q I'm sorry. During the time period that
12 she was an APM and you believe that she was out of
13 the office, do you have any personal knowledge as to
14 any time off that she had or any reduced schedule
15 that she may have worked?

16 A I don't know the details of the reduced
17 schedule.

18 Q Okay. Give me one second, please.

19 MR. MILIANTI: That's all the questions I
20 have. Thank you, Sarah.

21

22 RECROSS-EXAMINATION

23 BY MS. LEGARE:

24 Q I have just a few. So where are the extra
25 keys for the drivers kept now?

1 A They're in the same place. They're in the
2 communications room in a lock box. It's like a
3 little metal box that it's in.

4 Q So how do the drivers have access to them
5 now that the APMs are in Green Bay?

6 A We have the positions of the SOS, other
7 associates as well as other driver team leads that
8 are in the office.

9 Q Were driver team leads and SOSs in the
10 office prior to Covid?

11 A We did not have the position of SOS. They
12 were previously -- I think the position was called
13 an IOS or APMs, and, yes, they were in the office.

14 Q What was IOS?

15 A Intermodal operating specialist.

16 Q And SOS is what?

17 A Senior operating specialist.

18 Q And the intermodal operating specialist
19 would have been in the office and able to assist
20 drivers to get keys pre-Covid?

21 A Yes.

22 Q And driver team leads could also assist
23 drivers in getting keys pre-Covid?

24 A Yes, ma'am.

25 Q Is that also true with respect to access

1 to the printer?

2 A Yes.

3 Q And is it fair to say that the company's
4 not worried about APMs having face time with drivers
5 since they moved all the APMs to Green Bay?

6 MR. MILIANTI: Object to the form of the
7 question.

8 BY MS. LEGARE:

9 Q You can answer.

10 A I don't know.

11 Q I mean, the company chose to move all the
12 APMs to providing their services remotely from Green
13 Bay, right?

14 A Correct.

15 Q And I forgot to ask you. You said that
16 you covered third shift sometimes. Did you cover
17 any of the Sundays that Cierra was out when she came
18 back from leave?

19 A I don't recall exact days, but I do know
20 when I did cover she wasn't there.

21 Q And once a third person was hired on
22 second shift, did that mean that you never had to
23 work alone on a shift?

24 A No. Saturdays usually the system would go
25 down at ten, and I would be there from five to ten

1 by myself.

2 Q Even when you had three APMs on the shift?

3 A It would be -- there was the first APM
4 that was there before me she left the company. Then
5 it was down to me and Austin. So for a time period,
6 yes, there were three, and then it was down to two
7 again.

8 Q During the time you were an APM, were
9 temps ever brought in to work as an APM, temporary
10 employees?

11 A Yes.

12 Q How often would you say that happened?

13 A We had one temp come in. She worked for a
14 while as a temp. I want to say a little over a
15 year, and then we had an intern as well that came in
16 that did duties as an APM as well as an IOS.

17 Q Do you remember when that was?

18 A I don't recall exact dates.

19 Q Do you know who they were covering for as
20 a temporary employee?

21 A I don't know if they were necessarily
22 covering for anyone.

23 Q Got it. And would it be a true statement
24 that since the drivers expect that there are people
25 in the office to answer questions for them that now

1 that's the driver team leads and the SOSs?

2 A Yes.

3 Q And pre-Covid even when there were APMs
4 there, could the driver team leads or the IOSs
5 answer questions for the drivers?

6 A There were only IOSs and driver team
7 leads. There's only one driver team lead on second
8 shift. There wasn't one on third shift, and the
9 IOSs were on first shift.

10 Q So are there driver team leads on all
11 shifts now?

12 A No.

13 Q Are there SOSs on all shifts now?

14 A Yes.

15 Q Based on your observation, do you have any
16 idea how often Mr. Torrance worked from home in
17 2018?

18 MR. MILIANTI: Object to the form of the
19 question, calls for speculation. If you know.

20 THE WITNESS: I don't recall exact dates.

21 BY MS. LEGARE:

22 Q Ms. Geter says he worked from home
23 somewhere in the neighborhood of 80 days in 2018.
24 Would that have been your observation?

25 A I can't recall.

1 MS. LEGARE: That's all I have.

2

3 REDIRECT EXAMINATION

4 BY MR. MILIANTI:

5 Q Just a few, Sarah, if you can bear with
6 me. When you were scheduled to work alone as an APM
7 during the 2018 through 2019 time period, whose
8 responsibility was it to get keys to drivers if they
9 needed them?

10 A When I worked alone?

11 Q Yes.

12 A It would be me.

13 Q When you worked alone as an APM during the
14 2018-2019 time period, whose responsibility was it
15 to print out documents for drivers?

16 A Myself as well.

17 MR. MILIANTI: That's all I have.

18

19 FURTHER RECROSS-EXAMINATION

20 BY MS. LEGARE:

21 Q Did you ever attempt to switch shifts or
22 did you prefer to stay on second shift?

23 A I only switched shifts when I gained the
24 role as driver team lead because it was a
25 first-shift position.

1 Q Could you have transferred to a
2 first-shift position as an APM before they were
3 moved to Green Bay?

4 A It was offered, but it was given to
5 Austin.

6 Q I want to make sure I understand. They
7 picked between you and Austin to move to first
8 shift.

9 A Yes. It was available, and we both went
10 out for it, and he was given the position for first
11 shift.

12 Q Prior to that had there been any openings
13 on first shift?

14 MR. MILIANTI: Object to the form.

15 THE WITNESS: There were openings, yes.

16 BY MS. LEGARE:

17 Q Did you only ask for it that one time?

18 A Correct, yes.

19 Q And with respect to the time Ms. Geter was
20 there, it sounds like you did have some openings on
21 second shift, right?

22 A Yes.

23 MS. LEGARE: That's all I have.

24 MR. MILIANTI: Thank you, Sarah.

25 (Deposition concluded at 1:33 p.m.)

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COUNTY OF PUTNAM:

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Mary Beth Cook, RPR
CCR# 5079-8707-4272-4608

CERTIFICATE

STATE OF GEORGIA:

COUNTY OF PUTNAM:

I, Mary Beth Cook, Certified Court Reporter, State of Georgia, Certificate No. 5079-8707-4272-4608, CERTIFY that acting in such capacity, I reported the testimony herein, and on the foregoing pages have transcribed a true and correct transcript thereof.

I FURTHER CERTIFY that I am not counsel for, nor am I related to any party to the above case; nor am I interested in the event or outcome.

WITNESS my hand and official seal as Certified Court Reporter, State of Georgia, Certificate No. 5079-8707-4272-4608 this 23rd day of April, 2021.



Mary Beth Cook, RPR, CCR
CCR# 5079-8707-4272-4608

Georgia Code

Title 9, Chapter 11

Article 5, Section 9-11-30

(e) Review by witness; changes; signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have 30 days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by paragraph (1) of subsection (f) of this Code section whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed. If the deposition is not reviewed and signed by the witness within 30 days of its submission to him or her, the officer shall sign it and state on the record that the deposition was not reviewed and signed by the deponent within 30 days. The deposition may then be used as fully as though signed unless, on a motion to suppress under paragraph (4) of subsection (d) of Code

Section 9-11-32, the court holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

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